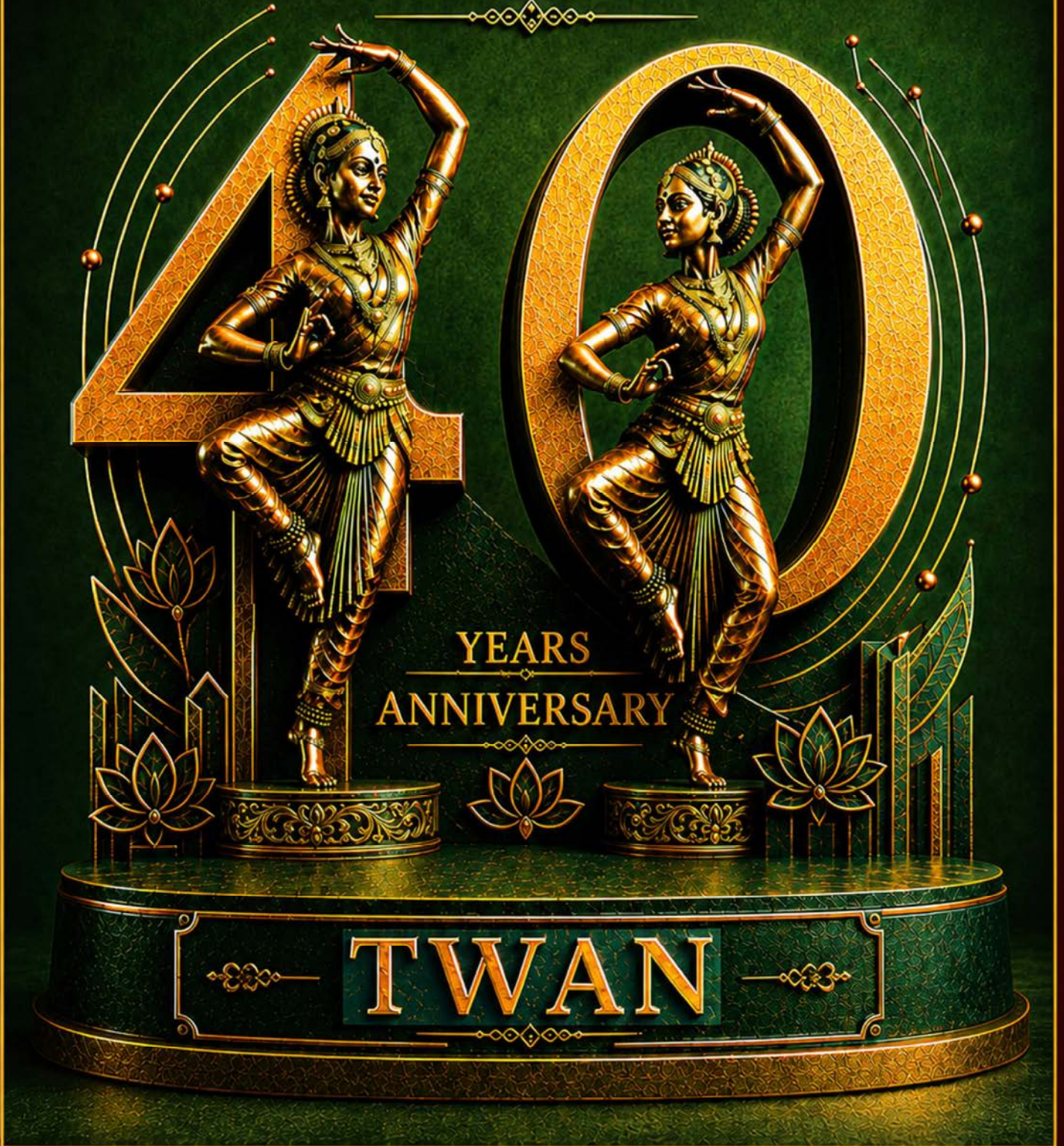


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TAMIL WELFARE ASSOCIATION (NEWHAM) UK

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Annual Review Report 2025 / 26

**Tamil Welfare Association (Newham (U.K.))**

தமிழர் நலன்புரி சங்கம்(நியூஹாம்) ஐ.ரா.





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## நல் வாழ்த்து



விஸ்வாச வருஷம் விருத்தி பல தந்து விடைபெற,  
பராபர வருஷம் சராசரியாக இல்லாமல்  
சரவெடியாய் மலர்ந்து சந்தோஷம் பெருக  
பிறந்துள்ள தமிழ் புத்தாண்டு; வளம் பல கொளித்து -  
இவ்வையகம் உய்ய  
புத்தாண்டே வருக! இன்பங்கள் தருக!

ஆண்டுகள் நாற்பதை கடந்து  
நற்பணிகள் பல ஆற்றி - நம் சமூகத்தின்  
வாழ்வுயர வழிகாட்டும்  
தமிழர் நலம்புரி சங்கம்  
மென் மேலும் நீடு வாழி!

தம் நிலை நிவர்த்திக்காய் தடம் பதித்த சங்கம்  
தம்மை நாடியோர்க்கு தம் அனுபவத்தை பகிர்ந்து  
பல்லாயிரம் பேர் இந்நாட்டில் காலூன்ற வழிசமைத்த  
நம் தமிழர் நலன்புரி சங்கம்  
வீறுநடைபோட்டு மேதினியில் உயர்ந்திடவே  
வளமுடன் வாழிய வாழியவே!!

## Annual Review Report - 2025 / 26

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ. ரா.

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

602 Romford Road, Manor Park, London E12 5AF

Tel: 020 - 8478 0577 Fax: 020 - 8514 6790

e-mail : twan@twan.org.uk Website: www.twan.org.uk



## அன்பு சால் தமிழ் பெருமக்களே!

நமது பிரச்சனைகளை தீர்த்து வைக்க இந்த நாட்டில் ஒரு சமூக அமைப்பு உருவாகி பன்னெடுங் காலமாக இயங்கி வருவதும் அந்த அமைப்பு நாம் வாழும் பகுதியில் அமைந்திருப்பதும், நம்மாலே தொடர்ந்து நடாத்தப்படும் தொண்டு நிறுவனமாக இயங்குவதும், நான் அதன் தலைவராக தேர்ந்தெடுக்கப்பட்டு செயல்படுவதும் என் வாழ்வின் பாக்கியமாக கருதுகிறேன். உங்கள் அனைவருக்கும் எனது இனிய வணக்கத்தை தெரிவித்து தொடர்கிறேன். பல ஸ்தாபனங்கள் சமூக நலனுக்காக இயங்கலாம் ஆனால் ஆரம்பித்த காலம் முதல் தடம் புரளாமல் குறிநோக்கி ஒரு ஸ்தாபனம் இயங்குவது கடினம். அந்த சாதனைக்காக அங்கத்தவர்கள் பாவனையாளர்கள், பணிபுரிவோர்கள், தொண்டர்கள் அனைவருக்கும் உங்கள் சார்பாக எனது பாராட்டுக்கள். நம் தமிழர் நலன் புரிச் சங்கத்தின் வளர்ச்சியையும், சாதனைகளையும் உங்களுக்கு அடுத்த வருட கால நிகழ்வில் படம் பிடித்து காட்ட முயற்சிக்கின்றோம். இது நம் அடுத்த தலைமுறைக்கு இச்சங்கத்தை தொடர்ந்தும் வெற்றிப் பாதையில் நடத்த ஒரு உத்வேகத்தை அளிக்கும் என நம்புகிறோம். நம் தமிழர் நலன்புரிச் சங்கத்திற்கு நம் சமூகம் சாராதவர்களிடமிருந்து கிடைக்கும் அங்கீகாரத்துடன் ஒப்பிடுகையில் நம் சமூகம் கொடுக்கும் அங்கீகாரம் குறைவு என்பதே எனது எண்ணம்.

பயன் பெற்றவர்கள் பலர் இருந்தாலும் இதன் வளர்ச்சியில் பங்கேற்பவர்கள் மிகச்சிலரே இந்த சூழ்நிலை மாற வேண்டும். இந்த தொண்டு நிறுவனத்தை தொடர்ந்து நடத்த வருடத்தில் சில மணி நேரமாவது ஒதுக்கி பங்களிக்க வேண்டும். குறிப்பாக அடுத்த தலை முறையினர், இங்கு பிறந்து வளர்பவர்கள் இச் சங்கத்தின் திட்டங்கள், செயல்பாடுகளை புரிந்து இணைந்து செயல்பட முன் வர வேண்டும் என கேட்டுக் கொள்கிறேன். அனைவருக்கும் இனிய விஷ்வாச வருட நல்வாழ்த்துக்கள் கூறி விடை பெறுகிறேன்.

நன்றி!

அன்புடன் தலைவர்  
திருமதி தர்ஜினி தயாபரன்

தமிழர் நலன்புரி சங்கம் (நியூகாம்)ஐ.இ.

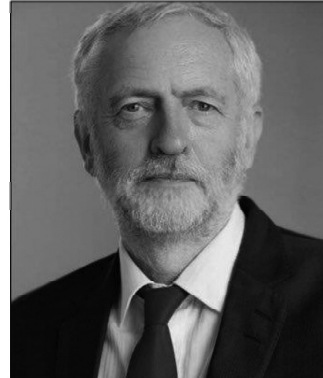


HOUSE OF COMMONS

LONDON SW1A 0AA

Tamil Welfare Association (Newham)  
602 Romford Rd  
LONDON E12 5AF

28 April 2026



To Whom it May Concern

**Greetings to the Tamil Welfare Association (Newham) on the occasion of the 40<sup>th</sup> anniversary event in Redbridge Town Hall**

I hope and trust that this year's Cultural evening, coinciding as it does with the 40<sup>th</sup> anniversary, is a huge success.

I've always been amazed at the strength, resilience, knowledge, and determination of the Tamil community in Britain.

This community has been through terrible events in Sri Lanka, suffering the most appalling discrimination and attacks, and yet, have maintained dignity, language and presence in our community and our society.

So, having an annual event is not just important to educate the wider population but also, it ensures that the younger Tamil population, whose parents suffered a great deal in the past, and who have now made their homes in this country, understand this background, culture, and heritage.

On the occasions when I have been free to attend these events, it has always been a wonderful day and a wonderful experience.

All the very best, and do indulge your celebrations as they are well deserved.

With best wishes,

Jeremy Corbyn MP



**THE RT. HON. SIR STEPHEN TIMMS MP**

**House of Commons  
London SW1A 0AA**

**Tel: 020 7219 4000**

**Fax: 020 7219 2949**

*Labour Member of Parliament for East Ham*

Mr Vanchees Jana  
Executive Director  
Tamil Welfare Association (Newham)  
602 Romford Road  
Manor Park  
London E12 5AF



Our Ref: ST140243

24 May 2026

Dear Jana,

I congratulate TWAN on another year of important work in Newham, reflected in this annual report. TWAN has continued to provide high-quality, practical support to a large number of local residents, many facing barriers to integration, services and economic security.

TWAN's work to relieve poverty, empower the Tamil community, and support swift and effective integration into British society is as important as ever. I am particularly pleased that TWAN has maintained its asylum and immigration advice work, including retaining legal aid.

TWAN has contributed to the *Newham Community Law Project*, launched earlier this month at the Trinity Centre in Manor Park. It is an important step forward in improving community-based legal support, and enabling residents to assert their rights and entitlements more effectively.

I thank everyone at TWAN for the commitment and care shown day in, day out. I see first-hand the difference this makes to people's lives in Newham, often at moments of real crisis. The practical support, advocacy and quiet persistence of those involved does not always receive the recognition it deserves, but it is deeply valued by the community.

I am grateful to all the staff, trustees and volunteers who give so much time and energy to sustain this work. I look forward to continuing to work alongside TWAN in the year ahead.

With all best wishes,

Yours sincerely,

**Rt Hon Sir Stephen Timms**  
**Member of Parliament for East Ham**

# Board of directors' report 2026

We are proud to mark 40 years of service to the Tamil community in the UK. This milestone reflects the dedication and hard work of our founder members, volunteers, staff, and directors (past and present) who have all contributed to the organization's success.

Over the years, we have seen many Tamil organizations established during the 1985-86 period. Unfortunately, many of them were unable to sustain their work in the long term, which has been a loss to the community. Our continued growth and stability are the result of careful planning, strong commitment, and a clear vision.

The organization was initially formed in May/June 1985 and formally began its operations in September 1986. From the outset, we faced significant challenges. Despite these difficulties, we remained committed to supporting newly arriving individuals, including asylum seekers. Our services have included assistance with accommodation, support during asylum interviews, access to benefits, help in finding suitable employment for survival, and meeting a wide range of individual needs.

In addition, we have led successful campaigns to influence government policy and legal practices, whilst actively addressing racism and other issues affecting the community.

To preserve and share our journey, we have decided to document our history this year through a visual documentary. This initiative will help educate the younger generation and the wider public about the challenges we faced, the development of the organization, and the services delivered over the decades. The documentary will serve as an important resource and a source of inspiration, particularly as we have already lost some of our founding members. Capturing the memories of those still with us is both timely and invaluable. The year 2025 has also been successful, with the organization achieving the key goals it set to accomplish.

## A) Users received the services

Our records indicate that 2,022 service users visited the organization, while 6,656 individuals

contacted the office by phone seeking advice. Demand remains highest in immigration matters, with 540 individuals receiving support in this area. The second highest demand relates to welfare benefits.

Additionally, 400 visits were made by asylum seekers. Other areas of advice included housing and homelessness (194), debt and money advice (396), family issues (100), minor offences (37), and healthcare (64). We also assist clients with other areas of law relevant to the community. It is important to note that approximately one quarter of these figures represent repeat visits, as some clients returned for ongoing casework or support across multiple areas.

User satisfaction remains high, with most clients accessing our services through word of mouth. Many approach us because alternative services are unavailable or inaccessible to them for various reasons.

## B) Resources

The organization owns its current premises at 602 Romford Road, including both the ground and upper floors. This ownership provides stability and ensures continuity of services, even in adverse circumstances. The office is fully utilized throughout the week, operating seven days a week from 9:00 a.m. to 8:00 p.m., and this well-established setup has been a key factor in our successful delivery service. However, increasing demand indicates the need to expand our service delivery space. In response, the Board of Directors is actively exploring opportunities to extend the organization's office capacity soon.

At present, the organization benefits from funding support from several sources. These include the National Lottery Community Fund, which supports our immigration casework, and Trust for London, which funds our legal advice and information project. The AB Charitable Trust provides unrestricted grants that contribute towards asylum seeker welfare and general operational expenses. Legal Aid funding is also available for asylum-related casework, although it remains limited compared to overall demand. In 2025, we received additional funding from the Greater London Authority (GLA), via the London

Legal Support Trust, to deliver a cost-of-living project. This initiative enables us to support individuals and families with welfare benefits and income generation advice. Furthermore, we secured funding from Groundwork UK to improve the energy efficiency of our office premises, including insulation work, installation of solar panels, and upgrading to LED lighting. The London Legal Support Trust also provides an annual small grant, which plays an important role in maintaining the quality of our services. Without the support of these funders, delivering high-quality services would be extremely challenging. The organization is recognized as a specialist service provider and has held a Specialist Quality Mark for several years. We are also registered with the Immigration Advice Authority (IAA) at Level 3, the highest level for immigration advice services. In addition, we are authorized and regulated by the Financial Conduct Authority (FCA) to provide financial advice.

### C) AGM 2025

In accordance with our constitution, the organization holds an Annual General Meeting (AGM) each year. The most recent AGM took place on 22 June 2025 at Manor Park Community Centre, from 1:30 p.m. to 6:00 p.m., with approximately 57 attendees.

Participants included members and service users, all of whom had the opportunity to share their views. The AGM was chaired by Mrs Malini.

Key agenda items included:

- Approval of the previous AGM minutes
- Review of the organization's accounts
- Election and replacement of three outgoing directors
- Presentation of staff reports on organizational activities
- Participants expressed a high level of satisfaction with the services provided. Overall, the AGM proceeded smoothly and successfully.

### D) Staff and Volunteers

As a community organization, we benefit from dedicated volunteers and experienced staff. Careful planning ensures that both volunteer and staff time is used effectively. The Board of Directors meets monthly (on the last Wednesday) to review delivery plans and assess performance. The Executive Director plays a key role in coordinating between the Board, staff, and volunteers, and in implementing Board decisions.

The organization currently employs:

- Two solicitors
- One specialist worker
- Two case support workers

These staff are supported by approximately 12 volunteers.

However, we face challenges in recruiting suitably qualified Tamil-speaking staff. Limited funding for salaries in the voluntary sector often results in a low number of applicants. Without long-term funding commitments, it remains difficult to attract and retain high-quality staff.

### E) Finances

The audited accounts for 2025 show:

- Total income: £221,183
- Total expenditure: £172,880
- Surplus: £48,303

Net current assets, including property, total £297,859.

Staff salaries represented the largest expense (approximately £52,000), while the National Lottery Community Fund was the largest single source of income (£56,000).

Overall, the organization remains in a strong financial position. Multi-year funding is particularly valuable, as it enables more effective long-term planning. In contrast, short-term funding can be difficult to utilize efficiently. For example, funding from Groundwork UK for energy improvements could not be fully utilized due to short implementation timelines.

### F) Future plans

The Board has identified both long-term and short-term plans for the organization. One key priority is to recruit an immigration solicitor or consultant to handle judicial review and higher court cases under the Legal Aid Certificate. Over the past three consecutive years, we have not received any funding from the Government Legal Department (GLD) for higher court cases or cost orders. This represents a significant challenge, as holding a Legal Aid Certificate requires us to maximize benefits not only for our clients but also to ensure the charity operates sustainably. Our experience shows that Home Office errors often create cases that could be challenged successfully in higher courts, if we had experienced and efficient staff available to manage such cases. Another priority is to diversify our income sources to reduce heavy dependence on grant funding. While we have identified potential

projects to generate alternative income, unpredictable market conditions have delayed their execution. We remain committed to launching these projects as soon as feasible.

As mentioned earlier in this report, our current office space is insufficient for our delivery needs. We are therefore actively planning to expand our premises to accommodate our activities and serve users more effectively. Finally, we have been seeking a Level 1 IAA-registered Tamil-speaking immigration caseworker for some time but have been unable to find a suitable candidate. We have also encouraged volunteers to obtain the necessary qualifications to fill this role, but these efforts have not yet been successful.

### G) Networking & Partnerships

Although we do not currently have formal partnership agreements, we work closely with a wide range of voluntary and statutory organizations. We regularly receive referrals from organizations such as Citizens Advice, law centers, and other advisory agencies. In such cases, we handle matters in the best interests of

clients and, where appropriate, provide updates to the referring organizations. We also receive referrals from statutory bodies, including hospitals, police, and local authorities.

During 2025, we worked with numerous organizations, including:

CGL Newham, Care4Calais Legal Access Team, Royal Borough of Greenwich Children’s Services, Waltham Forest IDVA, Keystone Case Management, St John of God Hospitaller Services, No Second Night Out Assessment Hub, Asian Women’s Resource Centre, St Luke’s Community Centre, Gatwick Detainees Welfare Group, Shelter, Redbridge CVS, Solace Women’s Aid, British Red Cross, Disability Law Service, Haringey Migrant Support Centre, and others.

These collaborations have strengthened our ability to support clients and respond effectively to community needs.



## TWAN Board of Directors 2026

Chair person



Tharjini Thayaparan

Vice Chair



Mr Kamalraj Thiyagarajah

Director



Miss Showmeya Jeevathas

Secretary



Mr P Chandradas

Assistant Secretary



Miss Janani Paramsothy

Treasurer



Mr S Muthukumarasamy

Assistant Treasurer



Shankara Sharma

Director



Mr. P Gajavathanan

Director



Mr Ragavan Nadarajah

Public Relation Officer



Mr. Ponniah Vigneswaramoorthy

**FINANCIAL STATEMENTS FOR  
THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

COMPANY NO: 2962857

CHARTY NO: 1047487

FINANCIAL STATEMENTS

- for the year ended -

31<sup>ST</sup> DECEMBER 2025

ADVANCED ACCOUNTING PRACTICE

CERTIFIED ACCOUNTANTS

23 LANGMEAD DRIVE,

BUSHEY HEATH,

HERTS,

WD23 4GD

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**DIRECTORS/TRUSTEES**

J Paramsothy (Miss)  
P Chandradas Esq  
K Thiyagarajah Esq  
S Muthucumarasamy Esq  
P Vigneswaramoorthy Esq  
T Thayaparan K (Mrs)  
T Wijeyaratnam  
Showmeya Jivathas  
R Nadarajah  
G Pulendrakumar

**SECRETARY**

P Chandradas Esq

**REGISTERED OFFICE & BUSINESS ADDRESS**

602 Romford Road,  
Manor Park,  
London,  
E12 5AF

**ACCOUNTANTS**

Advanced Accounting Practice  
Certified Accountants  
Herts  
WD23 4GD

**SOLICITORS**

Jeya & Co.  
322 High Street North,  
Manor Park  
London  
E12 6SA

**PRINCIPAL BANKERS**

Barclays Bank Plc  
Newham Business Centre  
737 Barking Road, London, E13 9PL

## **TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

### **REPORT OF THE DIRECTORS/TRUSTEES**

The directors present their report and financial statements for the year ended 31<sup>st</sup> December 2025.

### **PRINCIPAL ACTIVITIES AND BUSINESS REVIEW**

The Association is a registered charity, and the company is limited by guarantee and not having a share capital.

The Association's principal activity is to provide advisory, legal casework and representative services for the Tamil speaking community in the United Kingdom, to foster and promote good race relations between such persons of all groups within the area of benefit.

### **FUNDS**

The directors recommend £14,818 be transferred from the unrestricted funds to the designated fund account.

The company is a registered charity and hence no dividends are payable.

### **DIRECTORS AND THEIR INTERESTS**

The directors do not have any interests in the capital or reserves of the company.

### **TRUSTEES / DIRECTORS' RESPONSIBILITIES**

The trustees (who are also directors of Tamil Welfare Association (Newham) U.K for the purposes of the company law) are responsible for preparing the Trustees' report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Acceptable Accounting Practice).

Company law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for the year. In preparing these financial statements, the trustees are required to:

- Select suitable accounting policies and then apply them consistently.
- Make judgements and estimates that are reasonable and prudent.
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charitable company will continue in operation.
- State whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The trustees are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the company and to enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charitable company and hence taking reasonable steps for the prevention and detection of fraud and other irregularities.

### **CLOSE COMPANY**

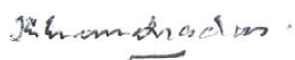
The company is a close company as defined by the Income and Corporation Taxes Act 1988.

### **INDEPENDENT EXAMINERS**

Advanced Accounting Practice are willing to be reappointed as independent examiners.

Date: 18<sup>TH</sup> February 2026

By order of the Board



P Chandradas Esq

Secretary

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**INDEPENDENT EXAMINER'S REPORT TO THE TRSUTEES OF TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

I report on the accounts of the company for the year ended 31<sup>st</sup> December 2025 which are set out on pages 5 to 14.

**Respective responsibilities of the trustees and examiner**

The trustees (who are also directors of Tamil Welfare Association (Newham) U.K for the purposes of the company law) are responsible for the preparation of the accounts. The trustees consider that an audit is not required for this year under section 43 (2) of the Charities Act 1993 (the 1993 Act) and that an independent examination is needed.

Having satisfied myself that the charity is not subject to an audit under company law is eligible for independent examination, it is my responsibility to:

- Examines the accounts under section 43 of the 1993 Act
- Follow the procedures laid down in the general directions given by the Charity Commission (under section 43 (7) of the Act, as amended); and
- State whether particular matters have come to my attention.

**Basis of independent examiner's statement**

My examination was carried out in accordance with general directions given by Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the accounts presented with those records. It also includes consideration of my unusual items of disclosures in the account and seeking explanations from you as trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit, and consequently no opinion is given to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.


**Independent examiner's statement**

In connection with my examination, no matter has come to my attention:

1. Which gives me reasonable cause to believe that, in any material respect, the requirements:
  - a) To keep accounting records in accordance with section 386 of the Companies Act 2006; and
  - b) To prepare accounts which accords with the accounting records, comply with the accounting requirements of section 396 of the Companies Act 2006 and with the methods and principles of the Statement of Recommended Practice: Accounting and Reporting by Charities have not been met or
2. To which, in my opinion, attention should be drawn in order to enable a proper understanding of the accounts to be reached.

ADVANCED ACCOUNTING PRACTICE

Chartered Certified Accountants



Date: 18<sup>TH</sup> February 2026

23 Langmead Drive,

Bushey Heath,

Hertfordshire,

WD23 4GD

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2024**

	Notes	Restricted Funds £	Unrestricted Funds £	Total 2025 £	Total 2024 £
<b>INCOMING RESOURCES FROM GENERATED FUNDS</b>					
Grants	2	209,858		209,858	168,198
Government Legal Dept Receipts		-		-	-
Donations			6,720	6,720	7,411
Membership subscriptions			655	655	960
Income from generating funds			(824)	(824)	(336)
Interest receivable	4		4,774	4,774	6,143
<b>Total Incoming resources</b>		<b>209,858</b>	<b>11,325</b>	<b>221,183</b>	<b>182,376</b>
<b>RESOURCES USED</b>					
Direct charitable expenditure		126,415	-	126,415	106,645
Governance costs		33,625	12,840	46,465	44,045
		<b>160,040</b>	<b>12,840</b>	<b>172,880</b>	<b>150,690</b>
<b>NET INCOMING RESOURCES BEFORE TRANSFERS</b>	3	<b>49,818</b>	<b>(1,515)</b>	<b>48,303</b>	<b>31,686</b>
Transfer from Unrestricted Funds		(35,000)	35,000	-	-
Transfer to Designated Fund		(14,818)	-	(14,818)	-
		<b>-</b>	<b>33,485</b>	<b>33,485</b>	<b>31,686</b>
Add Balance brought forward				173,222	141,536
<b>Balance carried forward</b>				<b>206,707</b>	<b>173,222</b>

The notes on pages 7 to 11 form part of these financial statements.

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**BALANCE SHEET AS AT 31<sup>ST</sup> DECEMBER 2024**

	Notes	2025		2024	
		£	£	£	£
<b>BALANCE SHEET AT 31ST DECEMBER 2024</b>					
<b>FIXED ASSETS</b>					
Tangible assets	7		395,697		359,929
<b>CURRENT ASSETS</b>					
Debtors	8	18,305		38,864	
Cash at bank and in hand	13	<u>305,631</u>		<u>276,636</u>	
		323,936		315,500	
CREDITORS: Amounts falling due within one year	9	<u>(26,077)</u>		<u>(22,946)</u>	
<b>NET CURRENT ASSETS</b>			<u>297,859</u>		<u>292,554</u>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>			693,556		652,483
CREDITORS: Amounts falling due after more than one year	10		<u>(101,510)</u>		<u>(108,740)</u>
			<u>592,046</u>		<u>543,743</u>
<b>FUNDS AND RESERVES</b>					
Designated funds	11		385,339		370,521
Unrestricted funds	12		<u>206,707</u>		<u>173,222</u>
			<u>592,046</u>		<u>543,743</u>

For the year ending 31<sup>st</sup> December 2025 the company was entitled to exemption from audit under section 477 of the Companies Act 2006 relating to small companies.

Director's responsibilities:

- i) The members have not required the company to obtain an audit of its accounts the year in question in accordance with section 476.
- ii) The directors acknowledge their responsibilities for complying with the requirements of the Act with respect to accounting records and the preparation of accounts.

The financial statements were approved by the board on 18<sup>th</sup> February 2025 and signed on its behalf by

  
S Muthucumarasamy Esq Director

The notes on pages 7 to 11 form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025

1. ACCOUNTING POLICIES

1.1 BASIS OF ACCOUNTING

The financial statements have been prepared under the historical cost convention and are in accordance with applicable accounting standards

1.2 INCOMING RESOURCES

This includes grants received, membership fees, bank interest and donations received.

1.3 DEPRECIATION

Depreciation is provided using the following rates and bases to reduce by annual instalments the cost, less estimated residual value, of the tangible assets over their estimated useful lives.

Fixtures and fittings                      15% reducing balance.

No depreciation is provided on freehold buildings as it is the company's policy to maintain these so as to extend their useful lives.

1.4 DEFERRED TAXATION

Deferred taxation is provided where there is a reasonable profitability of the amount becoming payable in the foreseeable future.

1.5 LEASING AND HIRE PURCHASE

Rentals payable under operating leases are taken to the profit and loss account on a straight-line basis over the lease term.



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

	2025	2024
	£	£
<b>2. GRANTS RECEIVED</b>		
Analysis by:		
Legal Aid Agency re: Legal work	5,695	11,622
London Legal support	10,000	27,425
London Legal support Re: Cost of living	34,481	16,275
Trust for London	44,000	44,000
The A B Charitable Trust	22,000	22,000
Community Fund re: Immigration work	56,000	46,876
Reaching Community	37,682	-
	<u>209,858</u>	<u>168,198</u>

The grant received from Community Fund has been used for general advisory and legal representation. Grant received from Legal Aid Agency has been used for specialist and case work on asylum matters.

	2025	2024
	£	£
<b>3. NET INCOMING RESOURCES</b>		
The net incoming resources is stated after charging:		
Depreciation	<u>526</u>	<u>620</u>
	<u>526</u>	<u>620</u>

	2025	2024
	£	£
<b>4. INTEREST RECEIVABLE</b>		
Bank and other interest receivable	<u>4,774</u>	<u>6,143</u>
	<u>4,774</u>	<u>6,143</u>

	2025	2024
	£	£
<b>5. INTEREST PAYABLE</b>		
On bank loans and overdraft	<u>9,269</u>	<u>13,605</u>
	<u>9,269</u>	<u>13,605</u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

	2025	2024
	£	£
<b>6. DIRECTORS AND EMPLOYERS</b>		
Staff costs:		
Wages and salaries	52,000	52,211
Social security costs	-	-
	52,000	52,211

**7. TANGIBLE ASSETS**

	Land & buildings	Fixtures & fittings	Total
	£	£	£
<u>Cost</u>			
At 1st January 2025	356,420	49,468	405,888
Additions	36,294	-	36,294
At 31st December 2025	392,714	49,468	442,182
<u>Depreciation</u>			
At 1st January 2025		45,959	45,959
Charge for the year		526	526
At 31st December 2024		46,485	46,485
Net book value at 31st December 2025	392,714	2,983	395,697
Net book value at 31st December 2024	356,420	3,509	359,929

	2025	2024
	£	£
Analysis of net book value of land and buildings:		
Freehold	392,714	356,420

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

	2025	2024
	£	£
<b>8. DEBTORS</b>		
Other debtors	0	300
Prepayments and accrued grant income	18,305	38,564
	<u>18,305</u>	<u>38,864</u>

	2025	2024
	£	£
<b>9. CREDITORS, AMOUNTS FALLING WITHIN ONE YEAR</b>		
Bank loan and overdrafts	16,497	16,500
Accruals and grants received in advance	10,222	6,446
PAYE and National Insurance	-642	
	<u>26,077</u>	<u>22,946</u>

	2025	2024
	£	£
<b>10. CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR</b>		
Bank loan	101,510	108,740
	<u>101,510</u>	<u>108,740</u>

<b>BORROWINGS</b>	2025	2024
	£	£
The company's borrowings are repayable as follows:		
In one year, or less or on demand	16,497	16,500
Between one and two years	32,994	33,000
Between two and five years	68,516	75,740
	<u>118,007</u>	<u>125,240</u>

Details of Security:

The bank loan is secured by way of legal charge over the company's freehold property. The Association makes a yearly repayment of £16,500 towards this loan and the loan is expected to be repaid within 7 years.

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

	2025	2024
11. DESIGNATED FUNDS	£	£
Balance as at 1st January	370,521	370,521
Transferred from restricted funds	14,818	-
	<u>385,339</u>	<u>370,521</u>

This represents:

This represents funds retained for the acquisition of the adjacent building to add space for its principal activities of providing advisory services.

	Unrestricted Funds £
12. PROFIT AND LOSS ACCOUNT	
Accumulated Reserves brought forward	173,222
Reserves of current year	<u>33,485</u>
Accumulated Reserves carried forward	<u>206,707</u>

13. CASH AT BANK AND IN HAND

Business current account	192,578	165,765
Business Premium account	111,846	110,155
Cash in hand	<u>1,207</u>	<u>716</u>
	<u>305,631</u>	<u>276,636</u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**DETAILED INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

	2025		2024	
	£	£	£	£
<u>Income</u>				
<u>Restricted Funds</u>				
Grant Received	(Sch 1)	209,858		168,198
<u>Less: Expenditure</u>				
<u>Direct Charitable expenditure</u>				
Client disbursements		30,577		12,319
Education project		2,032		1,888
Age Concern project		-		-
Salaries and wages (incl. N.I)		52,000		52,211
Professional fees		650		1,255
Volunteers and sessional workers		33,221		33,827
Staff recruitment and training		1,445		540
Rates and insurance		6,490		4,605
		<u>126,415</u>		<u>106,645</u>
<u>Governance Costs</u>				
Light and heat		6,715		5,210
Telephone and fax		3,885		3,144
Printing, postage and stationery		2,268		4,445
Office maintenance		10,050		5,566
Repairs, renewals and maintenance		3,346		2,965
Accountancy		3,200		3,200
Security costs		587		895
Travelling		3,179		1,100
Bank charges		395		481
		<u>33,625</u>		<u>27,006</u>
			160,040	133,651
Net surplus		<u>49,818</u>		<u>34,547</u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**DETAILED INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

	2025		2024	
	£	£	£	£
<b><u>Unrestricted Funds</u></b>				
<b><u>Income</u></b>				
Membership fees received		655		960
Donations and other income		6,720		7,411
Surplus on cultural night programme		(1,172)		(458)
Family outing		348		122
		<u>6,551</u>		<u>8,035</u>
<b><u>Less: Expenditure</u></b>				
Sundry expenses	1,523		1,740	
Membership and subscriptions	1,522		1,072	
Depreciation	526		620	
	<u>3,571</u>	<u>3,571</u>	<u>3,432</u>	<u>3,432</u>
Net surplus		<u>2,980</u>		<u>4,603</u>
<b><u>Gross Incoming resources before Interest and other income</u></b>		52,797		39,150
<b><u>OTHER INCOME AND EXPENSES</u></b>				
Interest receivable				
Bank deposit interest		4,774		6,143
<b><u>INTEREST PAYABLE</u></b>				
On bank loan		9,269		13,605
<b>NET INCOMING RESOURCES</b>		<u><u>48,302</u></u>		<u><u>31,688</u></u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**DETAILED INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2025**

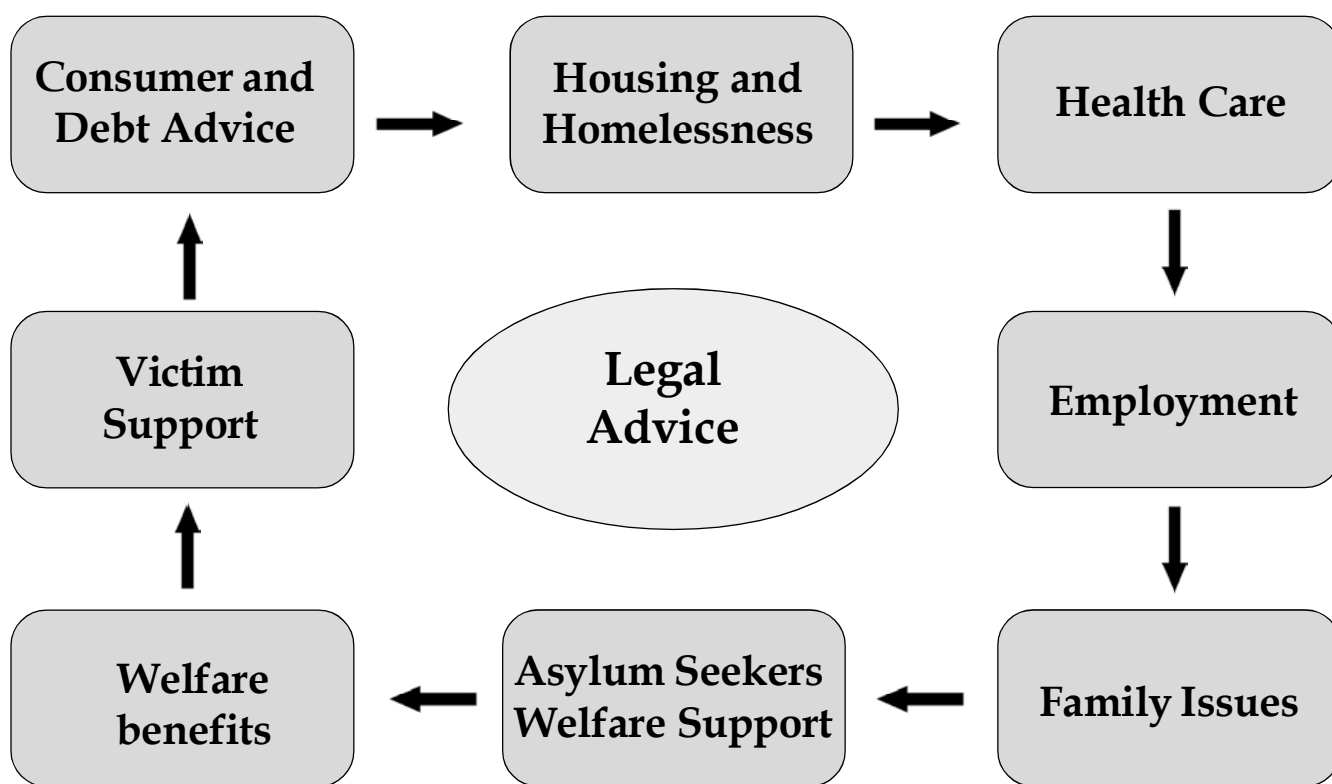
<b><u>Schedule 1 - Grants received</u></b>	<b>2025</b>	<b>2024</b>
	<b>£</b>	<b>£</b>
Legal Aid Agency re: Asylum Legal work	5,695	11,622
London Legal support	10,000	27,425
London Legal support re@ cost of living	34,481	16,275
Trust for London	44,000	44,000
The A B Charitable Trust	22,000	22,000
Community Fund re: Immigration work	56,000	46,876
Groundwork UK	37,682	-
	<b>209,858</b>	<b>168,198</b>

**TWAN Monthly Meeting**



# PROJECT PROGRESS REPORT

## 2026 - Part 01



# Consumer Act and Debt Advice

## Introduction:

This is one of the services where our user numbers have steadily grown over two years due to the cost-of-living crisis which has led to increased interest rates and rent costs. A greater number of our users were at the risk of experiencing poverty. Furthermore, we also handle disputes between businesses and customers, educate customers on their rights and guide them to solve future disputes.

## **Consumer Credit Act 1974**

This law governs how certain credit agreements between businesses and consumers operate and aims to keep consumers safe. It covers agreements between businesses and people, like individuals, sole traders, partnerships, and groups, but not agreements with other companies like limited companies.

The Consumer Credit Act 1974 provides consumers with protection under these credit agreements, including the following:

- Bank loans
- Credit & store cards
- Hire purchase agreements
- Conditional sale agreements
- Secured or unsecured loans

Individuals and partnerships of up to three people are protected by the Consumer Credit Act 1974, but limited companies are not.

We would always advise people who are considering entering into a credit agreement to check if they have been provided with the following:

- **Interest Rate** – Make sure to understand whether the interest rate remains steady (fixed) or can fluctuate (variable), along with any other factors that could impact the rate in the future.
- **Repayment Terms** – Understand the frequency and number of repayments you will need to make, whether it's monthly, quarterly, or otherwise. Ensure that you can comfortably meet the repayment obligations within your budget.

- **Fees and Charges** – Always ask about any additional charges that may incur and get this in writing. This may include application fees, late payment fees, early repayment fees, or annual charges.
- **Rights and Responsibilities** – It is critical to understand your legal rights and responsibilities as a borrower. Familiarise yourself with the consequences of missed or late payments, the procedure for addressing disputes, and any penalties or charges that may be imposed.
- **Early Repayment Options** – See if your consumer credit agreement allows for early repayment options, this provides you with flexibility and potentially saves you money on interest if you can pay the debt/credit sooner.
- **Other** – In addition to the above points, you should be made aware of the nature of the agreement, the identity & address of the creditor, and the name & address of the credit intermediary.

## Trading standards and requirements

### What is a trader?

A trader is a person acting for purpose relating to their trade, business, craft or profession under the Consumer Rights Act 2015.

### Trading standards laws:

**Consumer Protection from Unfair Trading Regulations 2008** – This law helps prevent unfair and misleading practices towards consumers by traders. There are four main practices that are prohibited in all circumstances: misleading actions, misleading omissions, aggressive practices, and engaging in unfair trading.

**Weights and Measures Act 1985** – This law states that traders have a responsibility to ensure that the equipment and materials used for commercial weighing and measuring of goods and services are accurate and fair.

**Food Safety Act 1990** – This law ensures that food hygiene, safety, and labelling are accurate, up to date, and meet required food hygiene and health standards.

**Trade Descriptions Act 1968** – This law ensures that product and service descriptions are accurate and that goods and services are not falsely represented.

#### Trading offences:

- **Faulty or unsafe products** – The sale of products that fail to satisfy safety regulations and may harm consumers.
- **Counterfeit goods** – the sale of products that are illegal due to breaches of intellectual property laws, such as fake branded goods.
- **False representation** – misleading consumers about the origin, quality, or price of a product.
- **Incorrect weights and measures** – using inaccurate scales or measures to deceive consumers.
- **Food safety violations** – the sale or marketing of unsafe food, or incorrect food labelling that may cause health risks.

#### Rights and restrictions: overview

- **The Consumer Protection from Unfair Trading Regulations 2008** – a guide to UK legislation outlining legal duties to customers.
- **Business Companion** – a range of guides from the Chartered Trading Standards Institute that provide advice to businesses on **trading law**.
- **The Bribery Act 2010** – government guidance on how to prevent and avoid bribery.
- **The Competition Act 1998 and Cartels Guidance** – guidance from the Government and the Competition and Markets Authority on how to comply with competition law and avoid breaches.

#### Trader's rights:

The consumer's short-term right to reject lasts for 30 days, unless the expected lifespan of the goods is shorter. After this period, a claim may no longer be made under the short-term right to reject. A refund may only be given within 14 days once the trader has agreed that the consumer is entitled to a refund.

When claiming a remedy such as repair or replacement, the consumer cannot insist on one option over the other if it is unreasonable or disproportionate compared to the alternative. Once a remedy has been agreed, the consumer must allow a reasonable time for it to be completed.

#### Burden of proof:

Whichever remedy the consumer decides to use, if a defect is discovered within 6 months, it is presumed that the fault was present at the time of delivery unless the trader can prove otherwise.

If more than 6 months has passed, the consumer must prove that the defect was present at the time of delivery if they wish to exercise their rights.

#### Exceptions:

If any problems with the goods were brought to the consumer's attention before purchase, or if the consumer examined the goods before purchase, any issues must be observable; it is the consumer's responsibility to ensure the product is in a suitable condition.

If the consumer has chosen a specific product for an intended purpose that is neither obvious nor made known to the trader, and the consumer later becomes aware that the item is unsuitable for that reason, they may be held liable.

A consumer has no right to claim for damages that arise due to normal wear and tear or misuse. A consumer cannot bring a claim to court if more than 6 years have passed since the contract was breached.

#### Loss or damage:

It is the trader's responsibility to ensure that a product/service is not lost or damaged in transit and/or accordingly manage appropriate insurance.

#### Case Study 1:

Mr EL approached us in April 2024 seeking help to recover money from the management of a venue in Ilford. They had booked the hall before the COVID-19 pandemic but were unable to use it due to the crisis. Nine months later, they asked the owners of the hall to refund their booking fee of £3,750.00.

However, the hall owners did not respond to his repeated requests. He approached us after two and a half years had passed. Initially, we wrote to the hall owners requesting a refund of the booking fees, but we did not receive any reply.

We then sent a second formal letter (protocol letter) a few weeks later, after which the hall owners contacted our client. They agreed to refund the money, and the matter was settled one month later.

### **Case Study 2:**

Mrs TA approached us in January 2023 seeking our help to recover her money from a builder in Luton. The couple requested that the builder complete an extension for an agreed sum of money. The builder started the work and asked Mrs TA for a deposit, which she paid. However, after a couple of months, the builder demanded additional payments for the project. After the additional money was given, the builder disappeared without completing the work. Mrs TA then demanded he repay the sum of £8,000; however, he refused to do so and began verbally abusing the couple.

After the couple approached us, we wrote a letter to the builder and submitted a money claim to the court. A legal representative attended the court hearing with the couple; the claim was granted, and full payment, legal costs, and instalment arrangements were ordered. However, the builder then disappeared without paying the money owed.

We then helped Mrs TA contact the London Bailiff Service to assist in collecting the money she had been awarded, and we are currently waiting for action to be taken.

### **Case Study 3:**

Mr EU approached us in January 2023 seeking help to get his money back from a colleague who he lent money to due to an emergency. When Mr EU requested her to pay back the sum of £2,460, the colleague refused to give the money back or accept any of his calls.

Then he approached us, and we wrote a letter to request repayment of the money. Later, we wrote the reaction protocol letter without any reply. Finally, we filed a claim to the county court for a final third-party debt order. We lodged an application, sent the defendant the court letter but they did not respond. The hearing took place and we represented Mr EU in court. Subsequently, the judge allowed the appeal with additional legal costs. Currently, we have instructed the debt collector to collect the money. The agent visited the defendant's address; the defendant's vehicle is on finance therefore the agent was unable to remove it. After sufficient proof is provided that the defendant does not live at the stated property the agents will continue enforcement. The agent spoke to a third-party who said the defendant is not in UK and they do not have a copy of the tenancy agreement in the

house. Consequently, if the third-party refuses to cooperate then the agents will look to remove assets to recover the remaining balance.

## **Welfare benefits**

### **Introduction:**

This is one of the most used services by our users due to the cost-of-living crisis in 2023–24, and demand continues to be high. An increase in interest rates, inflation, and general expenses has created a need for financial support, as most of our users are low-income families. Thus, they rely heavily on our advice and assistance to resolve their financial difficulties.

Making relevant applications, continuously attending meetings with the relevant benefit offices, and guiding users to secure their entitlements is part of our day-to-day work. Generally, it takes the benefit agency about 4–6 months to process a single benefit application. As most of our users are migrants, the Habitual Residence Test and “person from abroad” checks can lead to a long and time-consuming process in securing entitlements.

During this unpaid benefit period, individuals or families are at risk of becoming homeless or facing food insecurity. From time to time, we review our service plan to ensure we provide appropriate support based on user needs. This includes switching from tax credits to Universal Credit, supporting EU citizens with settled status and benefit entitlements, and obtaining Universal Credit for refugees, some of which were among the most challenging areas we navigated this year.

### **Universal Credit**

This is one of the areas where we spend a lot of time assisting clients with online applications, guiding them through the process to obtain their entitled Universal Credit. The benefit application generally has two components: living cost support and housing (rent) support. If an individual qualifies for Universal Credit, they will most likely also receive housing support. Occasionally, due to a person's earnings, they may not be eligible for the living cost component of Universal Credit, but they may still receive housing-related support. Usually, there are three categories of people who may qualify for this benefit:

- a) if you are unemployed and looking for work

- b) working-aged people unfit to work due to health reasons
- c) people who are low-income earners

Many of our community members are currently receiving working tax credits. Therefore, most of them have asked us to switch to the Universal Credit system, as the working tax credit system is being phased out. A key difference between the two systems is that the Universal Credit application may require supporting documentary evidence, which may not always be readily available to clients. On rare occasions, accounts may even be closed without clear notification to the client.

We cannot log in to or communicate with the benefits section on behalf of the client. Lodging an appeal is also not always possible, as tribunals will not accept it as a valid appeal without a formal refusal decision letter. This is a significant challenge in our delivery service. We are actively seeking partnerships to pursue judicial review proceedings on this matter and, if possible, to challenge this practice.

### **3 categories explained:**

#### **a) Looking for a job**

This may involve searching for work, being available for work, preparing for work, and attending work-focused interviews. Searching for work may include looking for jobs online, maintaining an online CV/profile, and obtaining references.

You must do anything reasonable to help you find work, as well as follow any specific actions in your Claimant Commitment. You may be sanctioned if you fail to apply for suitable jobs, refuse a job offer, or leave a job voluntarily or due to misconduct (even if this occurred before claiming Universal Credit).

#### **b) Unfit to work – sick note / assessments**

The Work Capability Assessment is a medical assessment used to determine how health conditions or disabilities affect a person's ability to work. It is also used to decide on eligibility for Employment and Support Allowance (ESA). The three possible outcomes are:

1. Unfit for work
2. Limited capability for work (your condition is serious enough that you should not be expected to work)

3. Limited capability for work-related activity

#### **c) Low income**

Your income must be sufficiently low, but the threshold depends on your circumstances. As your income increases, your Universal Credit reduces. If you have a partner, your total household income is considered. Your capital must not exceed £16,000, and if you have a partner, combined savings and capital are assessed.

You may be eligible if you are unable to work, have low income, are a single parent, are between 18–66 years old, meet your Claimant Commitment requirements, own no property or assets, and have no more than £16,000 in savings and capital.

#### **Claimant Commitment**

This is an agreement between you and the Department for Work and Pensions (DWP). It sets out your responsibilities, including work-related requirements, that you must meet while receiving Universal Credit.

You must usually accept your Claimant Commitment before receiving Universal Credit. If you have a partner, they must also accept their own Claimant Commitment.

#### **Capital**

The general rule is that all capital owned by you and your partner (if applicable) is considered. This includes savings, investments, most property, and lump-sum payments.

#### **Work-related requirements include:**

- Work-focused interviews: Meetings with a work coach to discuss how you can get into or remain in work. You must attend unless you have no work-related requirements.
- Work preparation: Activities to prepare for future work, such as skills assessments, training, employment programs, work placements, or volunteering.
- Work search: Actively looking for work, including applying for jobs online, seeking references, and registering with employment agencies.
- Work availability: You must be willing and able to start work immediately and

accept suitable job offers, including part-time work, unless you have a valid reason not to.

### **Exemptions:**

There are exemptions in certain cases, such as pregnancy, being a carer for a disabled person, or having limited capability for work.

If you live in specified or temporary accommodation, you may be eligible for a separate housing benefit claim. If you claim housing benefits, you may not be able to claim other legacy benefits, but you may be able to claim Universal Credit instead.

### **Case Study 4:**

Ms PT approached us in July 2023 to make a claim for Universal Credit, and we submitted the online application on her behalf. In the first week of September, the Universal Credit department informed her that her application had been denied as she failed the Habitual Residence Test.

We submitted a reconsideration request, stating that the benefit office had not taken all relevant material evidence into account when assessing our client's claim. This reconsideration was not successful, after which we lodged an appeal to the First-tier Tribunal (Social Security and Child Support) in November 2023.

We argued that the Home Office had clearly lifted her restriction to public funds in early September; therefore, she was entitled to benefits. The appeal was heard by a tribunal judge, who allowed the appeal after reviewing the Home Office letter.

## **Habitual residency test**

### **Habitual Residence Test**

If you have moved or returned to the UK in the last 2 years, you must show that you are "habitually resident" to receive help from your local council with social housing and emergency accommodation if you are homeless.

The test is designed to prevent individuals who have a right to enter the UK from immediately claiming social benefits upon arrival. Most applicants for local authority housing or welfare benefits must pass the Habitual Residence Test, although there are important exceptions. The rules

apply equally to housing applications and claims for Universal Credit (UC), Housing Benefit (HB), Council Tax Reduction (CTR), and other means-tested benefits (e.g. Income Support, State Pension Credit, etc.).

To be habitually resident in the UK, a person must have taken up residence and lived here for a certain period. A person who leaves another country does not become habitually resident immediately upon arrival, even if they come voluntarily with the intention to settle. They must reside in the UK for a sufficient period that demonstrates their residence has become, and is likely to remain, habitual in nature.

There are two main requirements to establish habitual residence:

1. residence must be for an "appreciable period of time"
2. there must be an intention to settle in the UK

There is no fixed period that qualifies as an "appreciable period of time". It varies depending on the facts of the case, considering the length, continuity, and nature of residence. For example, consideration is given to any previous residence and the purpose of staying (e.g. holiday or temporary visit). However, case law suggests the period is generally between one and three months.

The Department for Work and Pensions (DWP) and the Department for Levelling Up, Housing and Communities (DLUHC) guidance highlight the following key factors:

- length and continuity of residence
- reasons for coming to the UK
- future intentions
- employment prospects
- center of interest

There are two parts to the Habitual Residence Test:

- **Part 1: Right to Reside**
- **Part 2: Actual Habitual Residence**

### **Part 1 - Right to Reside**

This is not defined in legislation but is intended to show a degree of permanence in the claimant's residence within the Common Travel Area. From January 2014, individuals required to attend a Jobcentre interview must pass this test to qualify for benefits.

If you are an EU citizen, the easiest way to prove your right to reside is by showing you have applied under the EU Settlement Scheme and have settled status or pre-settled status, along with another qualifying right to reside. Without an additional right to reside, it may be more difficult to access benefits.

## **Part 2 – Actual Habitual Residence**

This is a factual test used for benefit eligibility purposes, including Housing Benefit and Universal Credit assessments.

### **Proving Habitual Residence**

Evidence may include:

- travel ticket or boarding pass when entering the UK
- wage slips or tax documents such as P45 or P60
- tenancy agreement in the UK, Ireland, Channel Islands, or Isle of Man
- letter or email from a doctor or dentist
- letter or email from a child's school
- proof of membership or payments to local organizations (e.g. gym membership)

### **Exemptions:**

British citizens, EEA nationals with qualifying rights, individuals with Indefinite Leave to Remain (ILR), persons granted refugee status or humanitarian protection, or persons granted discretionary leave to remain without any conditions restricting access to public funds are exempt.

There are various immigration routes and conditions, and the Department for Work and Pensions (DWP) does not always correctly assess entitlement, so advice should be sought if a claim is refused or if you are a refugee or have humanitarian protection.

### **Person from abroad test:**

Someone who fails to satisfy the Habitual Residence rules is defined in Housing Benefit regulations as a “**person from abroad**” and is not entitled to claim Housing Benefit.

There are two main tests that must be met to determine whether a person is “from abroad:

1. The Immigration Status Test
2. The Habitual Residence Test

### **Case Study 5:**

Mr KV, a British citizen, made a claim for Universal Credit as he was unemployed and had no other source of income. On 25th July, his claim was denied on the basis that he had failed the Habitual Residence Test.

There were no appeal rights or reconsideration process explained; instead, the benefits department closed its account. He was unable to communicate or take any further action.

When he approached us, we submitted a reconsideration request on the grounds that the Habitual Residence Test is not applicable to British citizens in this context. Additionally, we raised concerns about the account being closed without allowing the claimant any opportunity to respond or challenge the decision and argued that a formal appeal or reconsideration process should have been made available. The applicant is currently awaiting a response from the benefits authority to overturn the decision.

### **Income support**

Income Support is extra money provided to help people on a low income who are not required to be available for work. It is for people who are not signed up for unemployed, and eligibility, as well as the amount received, depends on individual circumstances.

There is also help available for residents in the borough who are struggling with household bills, food, clothing, or travel costs. The Council is supporting low-income households with a £100 payment to help with the cost of living. Only one single £100 payment will be made to each household (per address).

### **Eligibility:**

You must be between the age of 16 and State Pension age (currently 66) and not be signed on as unemployed. You must be either pregnant, a carer, a lone parent with a child under five, or in some cases unable to work due to sickness or disability.

You must also have no income or a low income (your partner's income and savings will also be considered, and you must have less than £16,000 in savings or capital).

You must be working less than 16 hours per week, and your partner must be working less than 24 hours per week (you may still qualify if you do

unpaid voluntary work or take parental or paternity leave).

You must meet the immigration and residence rules and not be subject to immigration control that prevents access to public funds.

You do not need a permanent address. You can still claim if you are sleeping rough or living in a hostel or care home.

### **Under 21 in secondary education:**

You will also be eligible to continue receiving Income Support if you are aged 19 or under, in full-time secondary education (including A-levels), and are one of the following: a parent, not living with a parent or someone acting as a parent, or a refugee learning English.

## **Employment Support Allowance**

You might be able to get Employment and Support Allowance (ESA) if you have difficulty working because you are sick or disabled. This is called having “limited capability for work.”

You can apply for New Style Employment and Support Allowance (ESA) if you are under State Pension age and have a disability or health condition that affects how much you can work.

You also need to have both: worked as an employee or been self-employed and paid or been credited with enough National Insurance contributions, usually in the last 2 to 3 years (National Insurance credits also count).

There are two types:

- Income-related Employment and Support Allowance (ESA)
- Contributory / New Style Employment and Support Allowance

You can receive ESA at the same time as other benefits such as Personal Independence Payment (PIP). However, you usually cannot receive ESA at the same time as Jobseeker’s Allowance (JSA) or Income Support.

If you are employed but unable to work, you will usually receive Statutory Sick Pay (SSP) from your employer for up to 28 weeks. You cannot receive SSP and ESA at the same time, but you can start your ESA claim up to 3 months before your SSP ends. It is often beneficial to claim ESA early so payments begin as soon as possible.

You can also get ESA if you are self-employed; the application process is the same.

To claim ESA, you must be:

- aged 16 or over
- under State Pension age
- living in England, Wales, or Scotland

If you are ill or have a health condition or disability that limits your ability to work, you may be able to qualify for New Style Employment and Support Allowance (ESA).

## **Income Based Jobseeker’s Allowance**

Jobseeker’s Allowance is a benefit for people who are not in full-time employment (working less than 16 hours per week), are able to work, and are actively looking for work.

You can only get income-based Jobseeker’s Allowance if you are already receiving contribution-based Jobseeker’s Allowance. You may be able to get New Style Jobseeker’s Allowance (JSA) if you are unemployed or working less than 16 hours per week on average, for up to 26 weeks.

New Style JSA is a fortnightly payment and a contribution-based benefit that can be claimed on its own or alongside Universal Credit. This usually means you may qualify if you have paid enough National Insurance (NI) contributions, typically in the two full tax years before the year in which you claim. National Insurance credits may also count.

If you qualify, you can receive New Style JSA for up to 182 days (around 6 months). After this, your coach will discuss your options. If you qualify for both New Style JSA and Universal Credit, any New Style JSA you receive will be treated as income for Universal Credit.

Additionally, you may be able to receive New Style Jobseeker’s Allowance while looking for work. You can claim it if you are unemployed or working less than 16 hours per week. You will usually need to show that you are seeking full-time work (at least 35 hours per week).

You may still be eligible to look for fewer hours if:

1. you are a carer
2. you are responsible for children under 13
3. You cannot work full-time due to illness or disability

You must also:

- be single or have a partner working less than 24 hours per week, on average
- have £16,000 or less in savings (including your partner's savings)

You can only receive income-based JSA if your immigration status allows access to public funds. In some cases, you must also satisfy the right to reside requirement.

You may have access to public funds if you have any of the following:

- British or Irish citizenship
- Settled status under the EU Settlement Scheme
- Indefinite leave to remain (unless granted under certain dependent visa routes)
- Refugee status or humanitarian protection
- Right of abode

If you have pre-settled status under the EU Settlement Scheme, you may be able to claim public funds, but you must also demonstrate a right to reside to qualify for income-based JSA.

## **Limited capacity for work:**

### **Personal Independence Payment (PIP)**

You may be eligible for PIP if you have a physical or mental illness or disability, and you struggle to complete daily activities or have difficulties with mobility, resulting in limited ability to function independently.

You must meet two conditions:

1. you must have had these difficulties for at least 3 months
2. you must expect them to continue for at least the next 9 months

If you are terminally ill, this requirement does not apply.

You must be aged 16 or over and, during the day or night, you must reasonably require frequent assistance with bodily functions such as washing, dressing, eating, or using the toilet.

### **Case Study 6:**

Mr TA received a letter from DWP on February 2023 stating that he does not qualify for PIP benefits and had asked DWP to review this decision. He approached us in March 2023, and we wrote a letter for mandatory reconsideration in response, stating that their decision is wrong after their letter in April 2023 after their review.

We lodged an appeal, and the court hearing was on 21<sup>st</sup> May 2024 at the First-Tier Tribunal in the Social-Entitlement Chamber. The judge reviewed the medical documents we provided and deemed that Mr TA has difficulty with preparing food, washing and dressing, therefore satisfying the criteria. The appeal was allowed by the judge stating he was entitled to the daily living component from 2022-2025. Our appeal claim was successful, and Mr TA is in receipt of his entitled benefits since May covering the year 2022 and 2023 which he was not given before.

### **Case Study 7:**

Mr SK made an application for PIP in April 2023. In May 2023, the DWP sent a letter requesting further information but did not receive a reply, so they sent another letter in June 2023 reminding Mr SK approached us and we wrote a letter in response in August 2023 requesting an appointment at the local job centre to provide further evidence and documentation. Mr SK also applied for a leave to remain application in June 2023 which was approved by the Home Office in September 2023. In September 2023, we wrote another letter to DWP because we had not received a letter from them and stated that we would lodge an appeal for stopping Mr SK's benefits since 2023. They responded to the letter and the PIP application successfully progressed to the next stage. Mr SK was granted the PIP benefits which he was entitled to.

### **Case Study 8:**

Mr JM submitted a PIP claim to manage his long-term mobility issues. The DWP contended that he was not eligible for payments as he had no daily living needs and limited mobility needs. TWAN acted on Mr JM's behalf to appeal the decision, using medical reports provided by his doctors to emphasize the effect of his conditions on daily life. This was successfully appealed at a tribunal.

## **Work capability assessment**

This assessment is used to determine entitlement to Employment and Support Allowance (ESA), your work-related conditionality, entitlement to additional amounts for ESA and Universal Credit, and entitlement to National Insurance credits for limited capability for work.

The assessment is made up of two stages:

1. The Limited Capability for Work (LCW) assessment
2. The Limited Capability for Work-Related Activity (LCWRA) assessment

You must provide a medical certificate (fit note) until you are assessed.

### Working and Limited Capability for Work

For Universal Credit, if you work and your earnings are equivalent to or above a specified threshold, you are automatically treated as not having limited capability for work and you cannot undergo a Work Capability Assessment. This threshold is earnings equivalent to 16 hours per week at the National Minimum Wage for those aged 23 and over.

This does not apply if:

- you have already been assessed as having limited capability for work
- you are entitled to Personal Independence Payment (PIP), Disability Living Allowance (DLA), Attendance Allowance, or Armed Forces Independence Payment
- you are automatically treated as having limited capability for work or work-related activity (for example, if you are terminally ill or severely disabled)

## Disability benefits

### Disability Living Allowance (DLA)

You may be eligible for this benefit if your child is disabled and needs:

1. help with personal care or supervision to avoid danger to themselves or others, or
2. help with mobility outdoors, or
3. help with both.

There are two components: a care component and a mobility component, and your child may be entitled to both. You can claim this allowance until your child is 16 years old, after which they will usually be asked to apply for Personal Independence Payment (PIP).

Your child must meet two conditions:

1. they must have had these difficulties for at least 3 months
2. They must be expected to continue having them for at least the next 9 months
3. If the child is terminally ill, this requirement does not apply.

## Components:

### Care component:

Your child may require more help than other children of the same age. For example: extra attention, assistance due to impulsive behavior, or help with engaging in play activities.

By day and night, your child must require:

- a) frequent assistance with day-to-day bodily functions such as washing, dressing, eating, or using the toilet, and
- b) continual supervision to avoid substantial danger to themselves or others.

### Attendance Allowance

Attendance Allowance is paid if you are of **State Pension age or over** and need help with personal care or require continual supervision to avoid danger to yourself or others.

The **eligibility criteria for care needs are similar to those used in Disability Living Allowance (DLA)**. There is **no mobility component** available through Attendance Allowance.

If you are under State Pension age, you may be able to claim Personal Independence Payment (PIP) instead.

You must have met the conditions for at least **6 months before you can qualify**.

### Case Study 9:

Mr RP approached us in November 2023, and we helped him apply for an application for attendance allowance. He received a letter from the DWP in December 2023 stating he was not eligible for attendance allowance as they decided he did not have a disability which required frequent, prolonged attention with bodily functions day and night and supervision to not harm to yourself or others. In January 2024, we helped file an application disagreeing with DWP's decision. We received a letter from the DWP stating that Mr RP is entitled to attendance allowance and will be entitled from 30/11/23.

### Carer's Allowance

Carer's Allowance is a benefit for people who regularly spend at least 35 hours per week caring for someone who receives the daily living component of Personal Independence Payment (PIP), the middle or higher rate care component of Disability Living Allowance (DLA),

Attendance Allowance, Constant Attendance Allowance, or the Armed Forces Independence Payment.

You must be aged 16 or over and must not be studying for more than 21 hours per week.

### **Case Study 10:**

Mrs ST approached us in March 2023 seeking advice regarding Carer's Allowance. We helped her complete an application and submit it by post to the Department for Work and Pensions (DWP). We also provided guidance on arranging appropriate care support.

### **Case Study 11:**

Mrs NJ approached us in July 2024 requesting advice and guidance regarding Carer's Allowance, as she had poor health and required assistance with daily activities such as grocery shopping. We helped her complete an application and provided guidance on arranging suitable care and support.

## **Common rules for means tested benefits**

### **Child Tax Credit:**

Child Tax Credit is paid to help people with the costs of bringing up a child. Only one household can receive Child Tax Credit for each child. You do not need to be working to receive Child Tax Credit.

If you look after a child or are responsible for a young person, you may be eligible. You must be at least 16 years old, but you do not have to be working. You will be eligible until the child turns 16, or up to age 20 if they are in full-time education.

You can usually receive Child Tax Credit for each child or young person you are responsible for until 31 August after they turn 16. The amount of money you receive depends on:

1. how many children you have,
2. when they were born, and
3. whether you already receive Child Tax Credit.

### **Working Tax Credit:**

Working Tax Credit is money provided to boost the income of working individuals on low incomes. It does not matter whether you are employed or self-employed. Working Tax Credit counts as income when working out entitlement to most other means-tested benefits, such as Housing Benefit.

You may be eligible if you are working and aged 16 or over, and you have a low income.

Full-time work is defined as one of the following:

1. You are a single parent with a dependent child and work at least 16 hours per week, or
2. You are part of a couple with a child and work a combined total of at least 24 hours per week, with one partner working at least 16 hours per week. However, if one partner is unable to work due to disability, is in hospital, is entitled to Carer's Allowance, or is in prison, you may still qualify, or
3. You qualify for the disability element and work at least 16 hours per week, or
4. You are aged 60 or over and work at least 16 hours per week, or
5. You are aged 25 or over and work at least 30 hours per week.

### **Case Study 12:**

In July 2022, Ms BS approached us after receiving a letter from HMRC following a claim for Universal Credit, informing her that she may need to repay overpaid tax credits to the DWP.

We assisted her in writing to HMRC, explaining that she was unaware of any overpay and did not understand the reason for the demand. We also requested clarification regarding the payment, including the reason for the alleged overpayment and details of how any repayment plan could be arranged, if necessary.

HMRC subsequently issued another routine payment demand letter rather than addressing our client's queries. As a result, we lodged an appeal with HMRC's appeals section to request a formal investigation into the matter. The investigation is currently ongoing.

### **Child benefits**

You can claim Child Benefit if you are responsible for a child or qualifying young person. You should

claim Child Benefit as soon as you have registered the birth of your child, or if a child comes to live with you.

You may be eligible if the child or young person is:

- Under 16 years old
- Aged 16 and have left education or training
- Aged 16 or 17, not in education or training, registered for work, education, or training, not in paid work for 24 hours or more per week, and within the Child Benefit extension period

You must provide evidence of your child, such as a birth or adoption certificate. You should also provide your National Insurance number. If you do not have a National Insurance number, you should still send in the claim form to avoid delays. You may also be asked for proof of identity, such as a birth certificate, passport, or driving license.

You may not be eligible if your child is in hospital or residential care for more than 12 weeks, unless you are still spending money on their needs. You may also not be eligible if the child is aged 16 or over, has left full-time education or training, and works more than 24 hours per week, or if they have been looked after by a local authority for the past 8 weeks, or are receiving income-based Jobseeker's Allowance, Universal Credit, tax credits, Income Support, or Employment and Support Allowance.

### **Case Study 12:**

Mrs KR received a letter from HM Revenue & Customs informing her that her Child Benefit had been stopped. Mrs KR approached us in October 2022, and we assisted her in submitting a Mandatory Reconsideration request.

In January 2023, she received a response from HMRC stating that their decision had not been changed. HMRC explained that in June 2022 they had sent a letter to the address on their records regarding the suspension of Child Benefit for both children. However, Mrs KR no longer lived at that address. As no response was received regarding a change in circumstances, HMRC concluded in October 2022 that she was no longer entitled to Child Benefit, as they had been unable to confirm her current address and therefore did not update their records.

We lodged an appeal in February 2023, which was received by the HM Courts and Tribunals Service. HMRC subsequently responded, stating

that Mrs KR is eligible for Child Benefit for the period covering August 2022.

## **Maternity benefits**

### **Maternity allowance**

You can claim Maternity Allowance if you are pregnant or have recently given birth and you are not entitled to Statutory Maternity Pay (for example, if you are self-employed or do not meet the eligibility criteria through your employer). You must have worked for at least 26 weeks in the 66 weeks before the week your baby is due.

### **Statutory Maternity Leave and Pay**

Statutory Maternity Pay (SMP) is paid when you have a baby. If you are eligible, you are entitled to up to one year of maternity leave, with up to 39 weeks of paid leave provided by your employer.

You are entitled to SMP if you are employed and pregnant. To qualify, you must have:

- average earnings of at least £123 per week, £533 per month, or £6,396 per year, and
- have been working for your employer continuously for at least 26 weeks.

### **Claiming SMP**

To take maternity leave, you must inform your employer of the date you intend to stop working by the 15th week before your baby's due date.

You must also give your employer at least 28 days' notice that you wish to start Statutory Maternity Pay. In addition, you will need to provide proof of your pregnancy.

### **Statutory Paternity Leave and Pay**

Statutory Paternity Leave is one or two weeks of paid time off work to help you care for your new baby.

You must be:

1. the child's biological father or adopter, or
2. the mother's partner, or
3. the intended parent if you are having a baby through surrogacy.

You must also:

a) have worked for your employer for at least 26 weeks by the 15th week before the baby is due,

- b) remain employed by your employer until the baby is born, and
- c) earn at least £123 per week, £533 per month, or £6,396 per year.

### **Bereavement benefits**

If your partner has died and you have a child (or children), you may be able to claim Bereavement Support Payment to help ease financial worries. It is a tax-free lump sum payment, followed by up to 18 monthly payments for bereaved spouses, civil partners, or surviving cohabiting partners with dependent children.

You must be under State Pension age at the time of the death. Payments stop when you reach State Pension age. This benefit is not means-tested, so you can claim regardless of your income or employment status, although certain eligibility criteria still apply.

Eligibility is generally based on the National Insurance contributions made by your late spouse, civil partner, or cohabiting partner, unless the death was due to an industrial accident or disease. You must also have been living in the UK (or in another country that pays bereavement benefits) at the time of death.

You should claim Bereavement Support Payment within 3 months of the death to receive the full amount. For each month you delay your claim after this period, you will receive one fewer monthly payment.

If you and your partner were not married or in a civil partnership, you can only claim Bereavement Support Payment if all of the following apply:

- a) you were living together as if you were married or in a civil partnership,
- b) you are responsible for a child who lived with you and your partner, and
- c) you receive Child Benefit for that child.

### **Case Study 13:**

Mrs MP approached us in April 2023 to claim Bereavement Benefits following the death of her partner. We assisted her in completing an application to the DWP and submitted it by post.

In May 2023, we received confirmation that her application had been successful. She was awarded a payment of £3,500, along with a backdated payment of £2,800, due to be paid no later than May 2023.

## **Widowed Parent's allowance**

Widowed Parent's Allowance is a weekly benefit for people who are bereaved and have at least one dependent child, or who were pregnant at the time of their spouse's, civil partners, or cohabiting partner's death.

It has been replaced by Bereavement Support Payment for deaths that occurred on or after 6 April 2017.

## **Bereavement Support Payment**

Bereavement Support Payment is not means-tested. This means that your income or savings will not affect what you receive.

When your partner died, you must have been:

- under State Pension age, and
- living in the UK or in a country that pays bereavement benefits, and
- married to your partner, in a civil partnership with them, or living with them as if you were married.

Your partner must have either:

- paid enough Class 1 or Class 2 National Insurance contributions in any one tax year since 6 April 1975, or
- died because of an accident at work or a disease caused by their work.

### **When you need to make your claim:**

You usually need to make your claim within 21 months of your partner's death. If it has been more than 21 months since your partner died, you may still be able to claim if the cause of death has only recently been confirmed. In this case, you should contact the Bereavement Service helpline for advice.

The timing of your claim can also affect how much you receive. You usually need to claim within 3 months of your partner's death to receive the full amount of payments.

### **If your partner died before 9 February 2023: Backdated payments**

You may be able to receive backdated Bereavement Support Payments if:

- your partner died after 5 April 2017,
- you were living together as if you were married when your partner died, and

- you were under State Pension age on 30 August 2018.

You must also have either:

- been pregnant when your partner died, or
- had a child living with you at the time of their death.

In addition, one of the following must apply:

- you received Child Benefit for that child between the date of your partner's death and the date of your claim, or
- You were informed by the Child Benefit Office that you were entitled to Child Benefit for that child during that period.

You must apply before 9 November 2024 to receive any backdated payments.

### Summary:

We help clients with many different bereavements support such as: Widowed Parent's allowance, Funeral Expenses Payment, Bereavement benefits. We help with application processes, writing letters to benefit offices regarding their decisions and lodging appeals and mandatory reconsideration notices.

Bereavement Support Payment is replacing:

- Widowed Parent's Allowance - if you already get this, your payments will continue until you're no longer eligible
- Bereavement Allowance (previously Widow's Pension)
- Bereavement Payment

## Pension:

There are three main types of pensions:

- State Pension
- Workplace Pension
- Pension Credit

A pension is a tax-efficient way of saving money for retirement. There are different types of pensions available. One of the most common is a workplace pension, where both you and your employer contribute to your retirement savings. You may also have a personal or private pension that you set yourself.

You can contribute to more than one pension, as long as you stay within annual and lifetime allowance limits. To encourage retirement saving,

the government also adds tax relief to pension contributions.

You can usually access your pension from age 55 (rising to 57 from 2028). At this point, you may be able to take your pension as a regular income, a lump sum, or a combination of both.

You may be able to claim the State Pension once you reach State Pension age, which is currently 66.

### State Pension:

The State Pension is a regular payment from the government that most people can claim when they reach State Pension age. Not everyone receives the same amount, as it depends on your National Insurance record.

For many people, the State Pension is only part of their retirement income. They may also have money from a workplace pension, other pensions, and/or earnings.

You can usually claim the State Pension when you reach State Pension age, which is currently 66 and will gradually increase to 67.

The new State Pension was introduced on 6 April 2016. Anyone who reaches State Pension age on or after this date is usually covered by the new State Pension system.

### Workplace Pension:

Workplace pensions are arranged by employers to help you save money for retirement. Employers are usually required to automatically enroll eligible employees into a pension scheme and make contributions on their behalf.

A workplace pension is a retirement savings plan set up through your employer. Workplace pensions may also be referred to as 'occupational', 'works', 'company, or 'work-based' pensions.

### Pension credit:

Pension Credit is a means-tested benefit for people over State Pension age who have a low income. It is separate from your State Pension. It can be claimed if you are over State Pension age and on a low income.

There are two components:

1. Guarantee Credit
2. Savings Credit

You may be entitled to one or both elements.

Guarantee Credit ensures that no one lives on less than a specified minimum amount. Savings Credit is an additional payment for people who have qualifying income and/or savings. If you reached State Pension age before 6 April 2016, you may still be eligible for Savings Credit depending on your circumstances, regardless of when you apply.

From 15 May 2019, if you have a partner who is under State Pension age, you will generally not be entitled to Pension Credit and may instead need to claim Universal Credit. However, you may still be eligible as a mixed-age couple in certain circumstances, such as if you were already receiving Pension Credit or Housing Benefit under Pension Credit rules before that date and have remained with the same partner.

Additionally, you may be eligible for Housing Benefit under Pension Credit rules if you or your partner has reached State Pension age and neither of you is receiving Income Support, income-based Jobseeker's Allowance, or income-related Employment and Support Allowance.

If you receive Pension Credit, you may also be entitled to help with:

- Housing Benefit (if you rent a home)
- Cost of Living Payments
- Support for Mortgage Interest (if you own your home)
- Council Tax reduction or discount

If you have reached State Pension age, you can claim Guarantee Credit if your weekly income is less than:

- £218.15 if you are single
- £332.95 if you are a couple

Even if your income is higher than these thresholds, you may still qualify for Guarantee Credit if you meet certain conditions, such as:

- you are a carer
- You have a severe disability
- you have eligible housing costs (such as service charges)
- you are responsible for a child or young person who lives with you

#### **Case Study 14:**

Mrs PR approached us in September 2023 for assistance with an application for Pension Credit. We supported her in completing the application and submitted the relevant details to the DWP on her behalf.

Mrs PR was expecting a call from the DWP regarding the status of her application; however, she did not receive a response. She therefore contacted the DWP directly, but on several occasions received conflicting information from different advisors regarding the status of her claim.

In May 2024, she asked us to assist her again. We advised her and helped draft a letter to the Pension Service, setting out her concerns and requesting an update on why no response had been received since the application was submitted in September 2023.

In June 2024, Mrs PR received a letter from the DWP confirming that her application had been successful. She was awarded Pension Credit of £109.35 per week.

#### **Case Study 15:**

Mr MG was granted settled status by the Home Office in September 2020, confirming that his EU Settlement Scheme application was successful and that he was eligible to claim benefits, including Pension Credit.

Mr MG approached us in February 2023 for assistance with an application for Pension Credit, providing proof of identity, address, and immigration status. He later received a phone call from the DWP stating that his application had been closed because he did not pass the security questions and did not attend a scheduled call. He contacted us for support, and in October 2023 we assisted him in writing to the Pension Service. The letter explained that it was unreasonable to close his application, as he was unable to make phone calls due to work commitments, and that alternative contact methods, such as post, should have been used if he was not reachable.

We then supported him in submitting a new Pension Credit application. He is now in receipt of his benefits.

#### **Case Study 16:**

Mrs AJ approached us in November 2021, seeking advice and assistance on a Pension credit application. In April 2022, Mrs AJ received a letter from DWP confirming the receipt of the application and in June 2022, she received a letter from DWP stating that they have refused Mrs AJ's application because the applicant owns a house, thus making her ineligible. We then helped Mrs AJ to apply for a Mandatory Reconsideration, where she shortly received a letter from DWP

stating they have looked at the notice and the presented evidence and have not decided to change their decision letter dated August 2022. We decided to lodge an appeal against DWP's decision and helped prepare a Witness Statement from the client explaining that Universal Credit has caused confusion due their advice regarding the residency address, when she was applying for Universal Credit. The court hearing was in January 2023, an oral hearing by video. During the hearing, the applicant submitted alternative evidence in support of her housing benefit claim and the benefit tribunal accepted the evidence and asked the universal credit section to make the appropriate payments.

## Housing Benefits

Housing Benefit helps you pay your rent if you are on a low income. You can make a new claim for Housing Benefit if you are over State Pension age or if you live in specified or temporary accommodation.

You must be at least 16 years old and have £16,000 or less in savings and capital.

### You are not eligible if:

- You have a lease agreement of more than 21 years
- You pay rent to a landlord who is a close relative and lives with you
- You previously owned the property and less than 5 years have passed since you owned it (this does not apply if you were required to sell the property to live there)
- Your agreement to pay rent was created to take advantage of the Housing Benefit scheme

### Case Study 17:

Mr BV approached us in June 2024 after receiving a letter from his local council stating that his Housing Benefit had been recalculated in May 2024 due to a change in his income.

We wrote to the council explaining that he is currently paying £1,675 per month in rent, working 30 hours per week, and that his wife is unemployed. We highlighted that, based on their current income, they are struggling to afford their rent alongside essential living expenses. At the time, he was receiving £96.52 per week in Housing Benefit, and we requested an increase.

We also provided information regarding his personal circumstances and the current market rent levels in the area.

Following this, the local authority reviewed his claim and increased the amount of Housing Benefit he receives.

## Contributory employment and support allowance

If you are unable to work because of illness or disability you may be entitled to new-style Employment and Support Allowance if you are at a minimum 16 years of age and under State Pension age which is currently at 66.

To be able to claim the allowance, you are required to have paid enough national insurance and meet the immigration and residence rules. Furthermore, you must not be working and have limited capability for work. This does not apply to those who are also entitled to Statutory Sick pay.

Weekly rates for ages 16-24 are £67.20, 16-24 (main phase) is £84.80, 25 or over is £84.80 and the support component is £44.70.

## Grants, Payments and Loans

There are various grants and loans available from other funders targeted to help support specific groups who are currently facing hardships them. If individuals have limited money for their living or other exceptional circumstances their expenses, then they should seek advice from charities, the Citizen Advice Bureau or the libraries. For example, British Gas Energy Trust have grants dedicated to helping those that are struggling with energy debt such as the Individual and Families Fund and the British Gas Energy Support Fund. The National centre for Accessible Transport (NCAT) has started the Scaling Innovation Programme which offers up to £150,000.

## Immigration and residence procurements

Those who are not citizens of the UK may have to go through two types of tests to qualify for their welfare benefits. The first type is the person from abroad test and the second is subjected immigration control.

## Person subject to immigration control (PSIC)

Non-British citizens require immigration leave to reside lawfully in the UK. You will be excluded from most non-contributory benefits. You are defined as a PSIC if you require leave to enter or leave the UK and do not have it or if you have leave that has only been given as a result a maintenance undertaking or is subject to a 'no recourse to public funds' condition, as well as if you only have leave because you are appealing a refusal to vary your leave.

Benefits a PSIC is entitled to includes Universal credit, Social Fund, Income support, Income based Support JSA and Income related ESA, Pension credit, Housing Benefit.

## Habitual residence

This applies if you are a resident and intend to settle down in the UK. To claim tested benefits, you must have an 'appreciable period' of residence. This is not a fixed period and is dependent on your circumstances.

The habitual residency test and person subject to immigration test are not defined without ambiguity which leaves decision makers to make their own interpretation of the requirements. Due to this practice, the decision making is inconsistent, and we may have to challenge the decisions to provide interpretations in the interest of our client.

## Housing and homelessness

### Introduction:

In the current economic climate, interest rates have risen significantly over the past two years, alongside high inflation. In response, banks have increased mortgage repayments, leaving many homeowners unable to afford their housing costs.

Many of our clients live in London or the surrounding suburbs, where they are directly affected by rising rents and limited housing availability. Those in receipt of benefits are among the most impacted. This is because landlords may be hesitant to rent properties to benefit claimants, as Universal Credit assessments or local authority

housing benefit rates are often lower than current market rents. This creates difficulties for those in receipt of benefits in securing and maintaining affordable accommodation.

In addition, if errors are made in housing benefit assessments by benefit agencies or local authorities, tenants may face large overpayment recovery demands. This can place significant financial pressure on tenants and may also negatively affect landlords, sometimes resulting in the termination of tenancies and eviction. These factors make it increasingly difficult for individuals to access and sustain stable housing.

Some of our clients with uncertain immigration status also face housing difficulties and risk of homelessness. Many are denied entitlement to housing benefits due to being subject to immigration control and failing the Habitual Residence Test, which is often not well understood by clients. In addition, many migrants are subject to "no recourse to public funds" (NRPF) conditions imposed by the Home Office, which restrict access to welfare support. Applications to lift NRPF conditions typically take 4-6 months, during which individuals may be homeless or reliant on community support.

Asylum seekers are also at risk of homelessness. Although many are entitled to Home Office accommodation and financial support, delays in processing asylum claims can leave individuals without adequate support for extended periods. Furthermore, under the Right to Rent scheme introduced in October 2022, landlords and accommodation providers face additional checks on tenants' immigration status. As a result, there has been increased reluctance within the housing sector to accommodate asylum seekers.

Fortunately, we are able to provide assistance through funding from the Greater London Authority (GLA) and support from the London Legal Support Trust, helping us to address these issues and protect vulnerable individuals.

### Right to Rent

Under the Immigration Act 2014, measures were introduced to restrict access to services for individuals who do not have a valid right to remain in the UK. One such measure is the Right to Rent scheme, which requires landlords to check the immigration status of prospective tenants.

The scheme was later updated in October 2022, requiring checks to be carried out in one of three ways:

1. A manual Right to Rent check, applicable to all citizens
2. A Right to Rent check using Identity Document Validation Technology (IDVT) via an Identity Service Provider (IDSP), but only for British and Irish citizens
3. A Home Office online Right to Rent check for all non-British and non-Irish citizens

This policy has faced criticism for its potential incompatibility with the European Convention on Human Rights. In 2018, following a legal challenge, the High Court found that the scheme was incompatible with Articles 8 and 14 of the Convention. However, the scheme continued to operate in England after the judgment, as the Home Office appealed the decision.

### **Section 21 and 8 notices for eviction**

Tenants can be evicted under either Section 21 or Section 8 notice.

Section 21 notices are used to evict tenants at the end of a fixed-term tenancy or during a periodic tenancy (a tenancy with no fixed end date). A Section 21 notice cannot be used if:

- It has been less than 4 months since the tenancy began
- The property is a House in Multiple Occupation (HMO) and does not have a valid HMO license from the local council
- The tenancy started after April 2007, and the landlord has not protected the tenant's deposit in a government-approved deposit protection scheme
- The landlord has not repaid any unlawful fees or deposits charged to the tenant
- The local authority has served an improvement notice, or an emergency works notice within the last 6 months

**Section 21 notices** require landlords to give tenants at least 2 months' notice to leave the property, or the equivalent length of the rental period in the case of a contractual periodic tenancy.

In addition, landlords must have provided tenants with the required documents before the tenancy began, including:

- A valid Energy Performance Certificate (EPC)
- The government's "How to Rent" guide
- A current gas safety certificate (where gas is installed)

**Section 8 notices** are used when a tenant has breached the terms of their tenancy agreement. To begin the process, landlords must serve a "Notice seeking possession of a property let on an assured tenancy or agricultural occupancy".

The notice period is generally between 2 weeks and 2 months, depending on the grounds for possession.

If the tenant does not leave by the specified date, the landlord may apply to the court for a possession order.

Benefits play a major role in social housing; many private landlords will not rent their houses to DSS beneficiaries.

#### **Main reasons:**

- With the volatility of housing benefits (in relation to income earned), a family may struggle to keep up rental payments if benefits are reduced
- The Council is usually reluctant to support rent increases after an award of benefits is made. The Housing department has its own rent value levels, and the calculation of benefits is based on this. This shortfall can cause rent arrears for tenants and landlords do not want to have to chase tenants for rent.
- In certain cases, the council has been known to actively encourage tenants to stay in the house (where they have fallen into arrears due to the council's refusal to increase their benefits) until they are evicted. The process of getting a tenant evicted is cumbersome and landlords do not wish to readily engage in this.
- This practice has led to a breakdown in landlord/tenant relationships, and the result is that landlords simply refuse to let their houses out to DSS tenants. In fact, most landlords let out via agencies to avoid any contact with prospective DSS tenants.

### *In summary, some councils are at fault of:*

- Misleading applicants to believe houses are available to rent by encouraging them to wait for an eviction notice rather than negotiating with the landlord
- Not taking any responsibility and accountability regarding housing shortages
- Encouraging evictions yet not disclosing that it will be more difficult to rent from future landlords if a tenant has an eviction order on their name

Prospective tenants are turning to the private rental sector as councils do not have available houses for rent. There is an ongoing cycle of placing blame or shirking responsibility of the council rather than acknowledging and accepting that there are not enough houses for those who are vulnerable and councils are not doing enough to ensure that tenants stay housed and do not face homelessness. Councils across the UK and the Government must work together to end the housing crisis and extortionate rental rates.

Councils are required to help if you are homeless or threatened with homelessness as long as the requirements are satisfied. The person applying for help must be:

- ❖ Legally homeless,
- ❖ Eligible for assistance
- ❖ In priority need
- ❖ Homeless through no fault of their own and
- ❖ Locally connected to that area

### **Recent housing changes:**

The Labour government has recently proposed the 'Renters Rights Bill', intending to make substantial changes to the current rental system in the UK. The key objectives of the bill are as outlined:

- Abolition of no-fault evictions under section 21: ensuring that tenants cannot be removed for no valid reason or mistake on their behalf, providing greater security for renters in their homes.
- The 'Decent Homes Standard': improvements in the housing standards as this will ensure that all rental homes meet basic living standards

- Annual rent increases: under this, landlords are limited to increasing rent once a year, preventing landlords charging unreasonable rent prices that tenants cannot keep up with
- A ban on discrimination against tenants based on pets, those with children and benefits claimants

### **Case study 18:**

In February 2024, Mr MR received a letter from his local housing association Local Space Ltd notifying him that he had accumulated a total sum of £8868.95. According to Local Space, this had arisen due to his housing benefit payments being decreased and not covering the portion of rent that was previously allocated. However, due to Mr MR not being notified of this sudden decrease in payment, he contacted the local council. He had assumed that his housing benefits paid to Local Space was covering his rent as he wasn't informed otherwise. The council advised him to pay an extra £23.08, so he was paying a total of £73.08 and to pay the remaining £63.80 monthly. Additionally, he was paying £50 a week, thereby totalling to £200 a month an extra £136 he was paying in early 2024. However, as months passed, the housing benefits that were paid to him decreased despite him not notifying the council of any change of income or circumstances. In early April, he received a letter from Local Space which informed him that he had now accumulated a total sum of £10,424.53. After contacting local Space, they settled an agreement that he would pay £250 a week including his rent to cover the rent arrears. Mr MR took several steps to try and obtain evidence of this agreement. However, due to poor communication from Local Space this proved unsuccessful. He was also reassured that if he continued to pay the £250, he would not be evicted. Yet after this, Local Space continued to act against him and took legal proceedings to evict him and his family. We aided Mr MR with the court hearings, and the judge found in his favour.

### **Case Study 19:**

Mrs JS is an asylum seeker who arrived in the UK in late 2023 and claimed asylum in the Home Office in Croydon. After the screening interview she was released and was able to stay at a friend's home who she knew from back home. They supported her by providing space in their rented

house with food and other necessities. However, after three months, they were unable to support her anymore and asked her to leave. At this point, her relationship with her long-term friend had deteriorated and she approached us in need of urgent accommodation.

Following her instructions, as well as her solicitor who had previously helped her with her asylum claims, we drafted the section 4 asylum support application to Migrant Help requesting urgent accommodation. She also faced issues regarding her health. In response to this, we provided some assistance with food and shelter by negotiating with her friends to allow her to stay another few more days whilst we helped her in looking for alternative accommodation. Accordingly, she stayed there, and Migrant Help considered her application. They regularly asked questions and further documentation in support of her asylum support application which we handled with her, and her application was successful.

After a week's time, the section 4 asylum support was approved, and we made arrangements with the Migrant Help transport to move her to her given accommodation in West London.

#### **Case Study 20:**

Mrs CU came to the UK in December 2022 and claimed asylum with her two dependent children. In the beginning she was provided with accommodation by the home office and was housed at Ready Homes. However, in the beginning of 2024, she was granted refugee status. Two weeks later she was evicted without any prior notice because she was no longer entitled for the Home Office asylum support. She approached us for help, and we drafted her universal credit application as well as referred her to the local authority's homeless person unit. Due to her two underaged children, she was then given accommodation at the local hotel.

#### **Case study 21:**

Mr and Mrs AJ become homeless after Mr AJ was released from the hospital, and they were unable to pay required rent for their home. After they approached us, we successfully located supported housing for them in the housing association, and they lived using the housing benefit support without any problems. However, in April 2024, the housing association increased their rent. They subsequently notified this to the housing department of the local council as they are on

receipt of pension credit and housing benefit and requested and increase in their housing benefits. This was refused and in October they faced rent arrears. The housing association threatened them with eviction if they did not settle the rent arrears. As a result, we stepped in and communicated with the housing benefit office and stated that their late responses caused great distress and emotional turmoil as Mr and Mrs AJ were faced with uncertainty. We also communicated with the housing association and explained the situation, asking for time to settle their housing arrears. Accordingly, after many efforts, we managed to get an increased payment from the housing benefit office to settle the arrears.

#### **Case Study 22:**

Mrs AS was placed in temporary accommodation in a local hotel after being faced with eviction by her prior landlord. She was given accommodation by the council elsewhere. However, due to barriers in English and a lack of knowledge of the accommodation system in UK she mistakenly refused the accommodation. As a result, the local council had threatened her with eviction. To avoid this, she came to us and we wrote a letter to the local council detailing the complicated situation and requesting them to find a suitable accommodation for Mrs AS and her four children aged 14, 12, 10 and 6. After our involvement, the local council has withdrawn their eviction and confirmed temporary accommodation for her and her children.

#### **Case study 23:**

In November 2022, Ms S received a section 21 notice from her landlord. This matter was taken to court and after the proceedings in May of 2024, the judge was satisfied with the section 21 notice and put a possession order mandating that the possession would have to be given by the 11<sup>th</sup> of September 2024. Ms S would now have to pay the claimant's legal cost of £1,102. She was now faced with a double burden of eviction as well as paying the claimant's cost. Subsequently, we got involved and drafted a letter on behalf of Ms S and outlined her financial situation to the court. After careful assessment by the court, they reduced her fee payments and aligned her monthly instalment in accordance with her salary and financial position. These cases have become more common where clients are often faced with double burdens of eviction and court costs. This

is due to economic disparity and the lack of expert legal support for those on low incomes.

### **Legally Homeless**

A person is considered legally homeless if they have been evicted, are sleeping rough, have been forced to leave the home they were living in with family or friends, have had to leave due to violence, or are unable to remain in their accommodation due to events such as fire or flooding.

### **Eligibility**

Eligibility for housing assistance depends on a person's immigration status, such as being a British or EU citizen, having settled status, or another form of lawful residence in the UK, as well as their entitlement to public funds and benefits.

### **Priority Need**

If you or someone in your household falls into a priority need category, you may be entitled to housing assistance from the local authority.

Priority need may arise if:

1. You have dependent children living with you (under 16, or under 19 if still in full-time education or dependent)
2. You are pregnant
3. You are aged 18–20 and have previously been in care
4. You are homeless due to an emergency such as fire, flood, or another disaster
5. You are disabled, have a serious health condition, or are at risk of domestic abuse

If you are evicted, for example, regardless of how you got evicted, if you do not have a priority need (especially if you do not have children), you are not likely to get a house via the council. The council is only obliged to provide housing in an emergency if there are under-aged children in your household as the Children's Act forbids them to be made homeless. It is important to note that if you allow yourself to be evicted, you can find yourself on the streets. Do not wait for this to happen and seek legal help as soon as possible.

### **Without fault:**

The council will consider whether a person has made themselves intentionally homeless. A person will be considered for re-housing if they have become homeless through no fault of their own (i.e. unintentionally homeless).

### **Local connection:**

If a person lives or works in an area and has close family ties in that area and/or needs access to specialist healthcare services, he or she will qualify for housing in the area requested.

The foremost condition is the eligibility condition. However, the council takes a case-by-case approach in evaluating your circumstances and needs.

Where you are housed but unable to meet the costs of payment, you may qualify for Housing Benefits, provided certain conditions are satisfied.

### **Housing Benefits:**

This benefit aims to support those who are unable to make rent payments because of their low income. The amount of benefit you are entitled to for rent deductions depends on your circumstances and type of accommodation (private or council housing).

Housing benefits for individuals living in council housing is calculated by the amount of rent they usually have to pay monthly. These do not include service charge (maintenance costs), water facilities or ground rent. Housing benefit entitlements for individuals in private housing is calculated through a local housing allowance rate which considers location and the number of bedrooms required (up to a maximum of four) required. Such rates are calculated yearly and therefore may change. If the rent is lower than the housing rate, the rent figure would be used instead for the calculations. To calculate the quantity of bedrooms entitled to for the purpose of assessing the local housing rate, the amount of rooms is determined by the circumstances in which an additional room would be entitled to the individual. Only a maximum of four additional rooms can be claimed.

### ***Entitled to one bedroom:***

- It is required for the individual and their partner
- A 16-year-old or over lives in the accommodation
- Two minors under 16 of same sex as siblings
- Two minors under the age of 10
- Disabled persons who share accommodation.

Moreover, there is a separate rate known as the shared accommodation rate which is designed

for those who share their accommodation with another person such as a communal kitchen and bathroom. This rate applies to those who live within shared accommodation and are either single or a couple with no dependents.

### ***Council Tax reductions:***

Such reductions are aimed at helping those who currently pay council tax but are on low income and thus have difficulties in paying their tax. Councils decide how they calculate someone's eligibility, but in many cases their methods would resemble that for calculating housing benefits as mentioned above.

## **Health Care**

As an organisation heavily involved with migrants and asylum seekers, healthcare-related advice is a key area where people seek our help. Many of the cases we deal with involve the NHS sending penalty notices for their treatments or prescriptions. Initially, registering and getting an appointment with a GP is fundamental work for asylum seekers, refugees and newly arrived migrants. Another area of concern for us is dealing with mentally disturbed people and issues relating to addictions. The unavailability of Tamil-speaking mental health professionals and the lack of organisations or effective services are the biggest problems we face. Many individuals who have a visitor visa would receive a huge bill for their treatment after being taken to emergency treatment via ambulances. We suggest that the Home Office should introduce some kind of health surcharge payment for this type of visitors or procure required affordable insurance for visitors' treatment while they are in the UK. Lack of interpretation facilities in the GP's hospital or clinic when required is another issue for the migrants and asylum seekers. Our day-to-day job involved registering with GPs, making appointments with hospitals or GPs and dealing with other health professionals on behalf of the client.

### **Health Benefits**

Support with healthcare costs is available for low-income individuals and households. You may qualify for maximum help if you receive benefits such as Universal Credit, Child Tax Credit, Working Tax Credit (including the

disability element), or a combination of Working and Child Tax Credits.

You will also qualify for full support if you receive Income Support, income-based Jobseeker's Allowance, or income-related Employment and Support Allowance.

If you are not receiving any of the benefits listed above, you may still be eligible through the Low-Income Scheme. This scheme can provide either full or partial assistance, depending on your circumstances. To qualify, your savings must not exceed £16,000 (or £23,250 if you live in a care home).

Support may include help with:

- Prescription costs
- Dental treatment
- Eye tests and glasses
- Travel costs to and from hospital appointments

### **Sickness Benefits**

Many people in our community rely on temporary, casual, or zero-hour contracts. As a result, when they are unable to work due to illness, accessing sick pay can be challenging.

Employers are initially responsible for paying sick pay to employees who meet the eligibility criteria. However, if the illness becomes long-term, responsibility may shift to government benefit systems.

### **Statutory Sick Pay (SSP)**

If you are an employee, you may be entitled to Statutory Sick Pay (SSP) for up to 28 weeks if:

- You earn an average of at least £123 per week
- You have been off sick for four or more consecutive days

SSP is paid by your employer at a weekly rate of £109.40.

To receive SSP, you must:

- Inform your employer as soon as you are unable to work
- Provide a medical certificate (fit note) after the first 7 days of illness
- Keep your employer updated about your condition and any changes

### **Case Study 24:**

Mrs GN came to the UK on a visitor visa in early 2024. She was then unable to return home to Sri Lanka due to a change of circumstances in country's situation. Her daughter approached us with the applicant, and we explained that it would not be possible to extend her visa citing her fear of returning, but she could claim asylum. Accordingly, she claimed asylum in July 2024. Later, she received a treatment invoice from the NHS. We argued with the NHS stating that her treatment should be free of cost as she is an asylum seeker. The NHS responded by saying she did not qualify for it and told her they have not received any reply from the Home Office regarding her immigration status. We negotiated with NHS that they could have asked the client for the required documents instead and argued that sending an invoice and a threatening letter is not an appropriate action. Then, we sent the relevant documents and Mrs GN's tribunal reference number as requested. We believe the matter is settled as our client has not heard from the NHS after that.

### **Case Study 25:**

Ms KU came to the UK on a spouse visa a few years ago and was granted a ten-year route settlement. She was assisted by us in making the third extension application, but the Home Office took more than two years to make a decision on her application. During this time, she was treated by the NHS Mid and South Essex Hospital and subsequently received an invoice for more than 5,000 pounds from the NHS Trust. She had already made the required payments as her health surcharge during her visa extension application, making this an inappropriate demand by the NHS Trust. When she approached us, we negotiated with the NHS Trust Accounts section and argued that she is entitled for free medicine and treatment. They requested proof of documents, and we accordingly submitted relevant evidence. Finally, the NHS Trust cancelled the payment demand.

### **UK Global Health Insurance Card (GHIC)**

The UK Global Health Insurance Card (GHIC) has replaced the European Health Insurance Card (EHIC) following the UK's departure from the European Union.

If you already have a valid EHIC, you can continue to use it until its expiry date. Once it expires, you will need to apply for a GHIC as a

replacement. You can apply for a new card for up to nine months before your current card expires.

GHIC allows UK residents to access necessary state healthcare when travelling in countries within the European Economic Area (EEA), usually at the same cost as local residents.

## **Employment**

### **Introduction:**

Our employment support services are tailored to the individual needs of each client. Our overall aim is to help people develop and translate their existing skills into those required in the current UK job market.

We actively encourage migrants to seek employment and, where possible, connect them with potential employers to support this process. We also provide practical assistance with completing job applications and other necessary forms to help individuals secure their first role.

In addition, we support clients in resolving workplace disputes through constructive negotiation with employers. Where necessary, we assist with preparing and submitting applications to employment tribunals.

These are some of the keyways in which we support individuals in accessing and sustaining employment.

### **Case Study 26:**

Mrs RP was an EU national and came to this country as a dependant family member. After a few years, her marriage broke down and she was forced to seek welfare benefits. She faced many difficulties in claiming the benefits given that she was an EU national who arrived in the UK as a dependant with limited leave. When she approached us, we helped her in making the required applications to the Home Office to obtain the EU settled status on her own rights with her daughter. After gaining her status, she became eligible for welfare benefits and was subsequently chased by the Universal Credit Officials to find employment. In response, we guided her to get training in the field of care. We helped her in preparing a CV and obtaining DBS check certificates, as well as providing references to get employment accordingly. In January 2024, she

successfully landed a job as a local care assistant and is currently in work.

### **Terminating an employment**

*Ways an employment contract can be terminated:*

- Expiration of contract
- Resignation
- Summary of dismissal
- Unfair dismissal

When one's contract expires and a person does not wish to renew it, there is no issue. Generally, contracts can be automatically renewed. Alternatively, someone can simply resign from a job after giving due notice. Most employment problems arise due to summary or unfair dismissal. These create a vacuum regarding income which can negatively impact the lifestyle of the dismissed individual.

Under the Employment Rights Act 1996, a worker is deemed to be unfairly dismissed if an employer terminates an employment contract unlawfully. *The Employment Act sets out the reasons an employer must provide as evidence and the tribunal should decide on:*

1. Relating to the employee's capability or qualification to do the work
2. Relating to the employee's conduct
3. Redundancy
4. Contravention of duty or restriction imposed under the enactment.
5. Other substantial issues such as refusal to sign a restrictive covenant of 12 months.

*The Employment Tribunal must consider certain points when they make their decisions to ensure that unfair dismissal is fair:*

- a) The employer's reason for dismissal
- b) Did they base their decision on the facts known at the time?
- c) Has the employer shown a valid reason to justify the dismissal?
- d) The employer acted reasonably in viewing the grounds for dismissal.

Additionally, to make a claim for Unfair Dismissal, an employee who commenced work after 6<sup>th</sup> April 2012 needs 2 years of continuous service. Employees who started before this date only require 1 year of continuous service to bring the claim.

### **Case Study 27:**

Mr JM arrived in the UK on to an employment visa. In November 2023, Mr JM was dismissed by his employer Wincanton PLC on the grounds of an alleged altercation with another victim. Mr JM contested this version of events and appealed against his dismissal, as he suffered a broken rib and knee pains due to an injury that occurred on site at work. He had asked for sick leave to a member of staff and was threatened to be sacked if he took time off work. He was then dismissed without prior notice. This went against the company's own policy, outlined in his employment contract, which detailed that after 2 years of working any dismissal would be given 12 weeks beforehand at maximum. However, Mr JM faced a same day dismissal. Despite efforts in appealing this decision through Wincanton, it was of no avail. He launched his appeal in December 2023, which was outside the timeframe allocated by Wincanton to raise such claims. As such, he filed a complaint to the employment tribunal through our help. Later, in September of 2024, he received a letter from Wincanton's solicitors that outlined reasons why his case would be unsuccessful and the cost he would be mandated to pay to the other party. As Mr JM was frightened by this claim, he asked us to withdraw to claim and so the case was closed. At present, he is facing issues with finding employment and his visa as he is no longer carrying out skilled work.

### **Case Study 28:**

Mrs MM worked for Sainsbury's for nearly 4 years before she was falsely dismissed by her employer based on a false accusation by her colleagues. Mrs MM stated that she was discriminated as she was an ethnic minority in the branch, and she wished to get a remedy on these grounds. We advised Mrs MM to make a claim on unfair dismissal and direct race and religion discrimination. We made the arrangements for the hearing by making the case bundle, witness statements and other required documents. However, on the day of the hearing, according to our the counsel's advice we decided to go with a settlement of a little over the 2000 pounds agreed by the Sainsbury's to give up a client as a compensation.

## **Family Issues**

While settling in this country, our community is facing a big challenge in adapting to this UK's

laws and its lifestyle. Many family issues arise due to a lack of knowledge or understanding about family life and how the law works in this country. In relation to this problem, our services focus on preserving and protecting the family as a unit. Early advice on these issues is much more purposeful and important.

In our native countries, when a person was faced with solving a family dispute, they could rely on the wisdom of the elder members of the family to guide them and mitigate the issue. But that option is not available here. As a community organization, we aim to fill the vacancy of input. We also want to prevent people carrying criminal records, which will create many unwanted problems down the line. The criminal records could lead to deportation. Otherwise, integration may become an issue as the person will fail the good character test while making their citizenship application. The family will be negatively affected, especially the children who will be living with only one parent and the other partner who will have to carry the burden of raising the child alone. We aim to prevent this adverse situation and protect our community's image; thus we must work with the families, particularly children to ensure they are living with both parents.

Educating the community and providing appropriate legal advice with practical support is essential. With the support of Greater London authority's funding assistance via London Legal Support Trust, this area of law and user needs are effectively served. Filling appropriate forms and complying with court or solicitors' requests on behalf of the clients and ensuring their safety are the services we are providing currently.

#### **Case Study 29:**

Mr. PM came to this country on a spouse visa and lived with his wife for over three years. In late 2023, difficulties between the couple led to him approaching us to save his marriage. We assessed his needs and identified his most urgent issues: his relationship and his immigration status. We spoke to his wife and tried to fix their family life, but we could not solve their differences. Subsequently, his visa was going to expire, and we helped him make the visa extension application. His wife began divorce proceedings through her solicitor, to which we responded with making a child contact order for our client. She disputed by asserting that he was not the biological father of the child, thus he did

not have a right for contact. Later, the court made an order to assess DNA evidence to find out whether our client was the biological father. Unfortunately, the result did not support our client. As our client was unable to obtain the contact order, he agreed to the divorce application. He was officially divorced in 2025; however, we are continuing to work on his immigration and other welfare matters.

#### **Case Study 30:**

Ms NN was referred by the police to us to provide required support after she faced domestic violence by her husband in late 2023. We provided initial support by finding accommodation at a stay for women refugees and provided essential financial support. The couple had two children and lived happily for many years in the UK. However, her husband was affected by a mental health ailment, and after facing a job-related issue, he ended up killing their children. She then separated from her husband and lived alone. Subsequently, her husband was convicted and sentenced to be in prison for a very long time. In late 2024, she decided to divorce her husband. She did not have any money and did not qualify for legal aid for this family matter. We opened the file and made a divorce application. It took 18 months to successfully get the divorce as the husband was in prison and it was difficult to get his signature. Finally, in late 2025 she was given a final order of divorce by the court.

## **Asylum Seekers Welfare Support**

This is one of the busiest areas of our work. During 2025, we opened around 50 case files, supported by funding from the AB Charitable Trust, to help individuals secure accommodation through the Home Office.

Many clients approached us while already homeless. Others became homeless after being asked to leave their allocated accommodation prematurely, in some cases without proper communication or without a formal decision letter being issued to them or their legal representative.

We have also observed that some individuals face delays and difficulties when trying to resolve issues related to asylum support and entitlements. These can include requests for documentation

that may be unclear or difficult for applicants to provide, which can further complicate their situation.

In addition to accommodation and benefits support, we assist clients with a range of related needs. This includes registering with the NHS, arranging GP appointments, completing HC1 forms to access free healthcare, and supporting individuals experiencing mental health challenges or trauma. We also provide occasional emergency food assistance where needed.

#### **Case Study 31:**

Mr. NR claimed asylum and is currently living in Home Office accommodation. He is suffering mental health issues, and his mental condition deteriorated to the point where he was admitted to Partnership University Hospital. After a month of treatment, the hospital discharged him without any arrangements for his accommodation. He arrived at our office as a homeless person and Migrant Help told us that his accommodation was terminated as he had not been living there for a long time. As a result, we advised him to make a new asylum support application for new accommodation and an emergency accommodation application to Migrant Help. We also tried local night shelters for him to stay but unfortunately none of them were available. So, we made a referral to the Street Link charity to provide him accommodation. However, they failed to give him accommodation. He later made arrangements with a local temple to provide shelter for a few nights. We spent around 2 hours, daily, on the phone with Migrant Help asking about the status of his accommodation. We provided full and essential living related expenses to him while he stayed at the temple, and after a full week he was given accommodation by the Home Office.

#### **Case Study 32:**

Mr. SK was staying with his friend temporarily, but his friend withdrew his offer, and he came to us for assistance with accommodation. We contacted Migrant Help to apply for accommodation, but the Home Office rejected on the basis that claimant's asylum application and appeal notification had not been received. However, neither us nor the client received Home Office's refusal letter, so we made an appeal to the First-tier Tribunal Asylum Support. The asylum support adjudicator give direction to Home

Office when and where the decision served and asked the Home Office to disclose the refusal decision letter. Two days later, Home Office withdraw our client's denial to give support. The appeal was also withdrawn and client was provided Home Office accommodation with other support.

#### **Case Study 33:**

Mr. SI was so far supported by his uncle since his arrival to the UK, but he could not rely on him for financial support. Mr. SI is entitled for subsistence only support and we accordingly aided him in applying. He did not want accommodation only financial aid. The Secretary of State decided to stop his support, and we advised the client to appeal. As Mr. SI was ill, he was unable to have an appointment with us to help with the appeal form which resulted in a late submission. We advised the client to explain the situation in the form and subsequently, they withdrew their decision to discontinue the support and reinstated it with immediate effect.

#### **Case Study 34:**

Mrs. CL was staying with her brother and her 2 children. However, he asked her to leave immediately and they were left homeless. During this time, one of her friends from back home gave permission for them to stay in their house. Unfortunately, as they were a family of 5, there was not enough space in the friend's home, and the friend eventually asked them to leave. We helped Mrs. CL in making an application for accommodation and financial support. Mrs. CL's husband is an Asylum seeker in France, but she did not know any more details. The family was homeless, and while they had free food provided at Hindu temples, they were forced to stay outside all day long. Mrs. CL wants to be as a family and was afraid her sons would be separated. The Home Office denied her asylum support application as she still had money and jewellery in the bank, previously declared when she made her visitor visa application. She also had showed her house as an asset for her visiting visa, which was a joint property with her husband's name. The Home Office told her to sell the jewellery and spend it, until the money ran out and then she can reapply again.

## Other Service

Our community also relies on us for many other services such as penalty notice by the local authority, minor offences, troubled pasts, primary healthcare related issues.

### 1.Elders Care: Case Study 35

Mrs SR, aged 69, visited our office in May 2025 requesting our assistance in communicating with the London Borough of Newham regarding the need to convert the bathtub in her home into a walk-in shower. Recently, she slipped and fell in the bathtub, which resulted in a shoulder injury due to the difficulty she experiences in maintaining balance while using it. This incident has caused her considerable pain and inconvenience.

As an elderly resident, she feels that the bathtub's current configuration poses a significant challenge to her mobility and safety. Therefore, we have drafted an email to the council requesting them to take appropriate and immediate action regarding this matter.

### 2.Disabled Parking Application: Case Study 36

Mr. MN, a disabled person, visited our office in May 2025. He is currently receiving Personal Independence Payment (PIP) of £150.95 per week. He has also had a successful application to the Motability Scheme to lease a new car. The main reason for his visit was to seek assistance with a disabled parking application. We supported him in completing and submitting the application. As a result, he was successfully granted a disabled resident parking bay.

### 3.Health Care Payments / Fees: Case Study 37

Mrs. GN visited our office seeking assistance. She is an asylum seeker in the United Kingdom, and her asylum claim is still pending. She received two healthcare charge invoices from the London

Northwest University Healthcare via email. One invoice was for £826.11 and another for £357.00. The second invoice stated that the amount of £357.00 must be paid within 14 days of receiving the letter. Mrs GN informed us that she is unable to pay these charges as she is unemployed and has no source of income. As her asylum claim is still under consideration, we understand that asylum seekers are generally eligible for free NHS healthcare.

We contacted the Overseas Patient Team of London Northwest University Healthcare regarding this matter. They informed us that her asylum claim had been refused. However, neither our office nor Mrs. GN has received any official letter confirming the refusal of her asylum claim. Therefore, we requested the healthcare authority to provide evidence that they had received confirmation of the asylum claim refusal from the Home Office. We assisted Mrs. GN by communicating with both the healthcare authority and the Home Office regarding this matter.

### 4.FLR(FP) Application: Case Study 38

Mrs. KU visited our office seeking assistance with her immigration matter. We helped her to prepare and submit an FLR(FP) application. She paid the Immigration Health Surcharge (IHS) fees on 09/12/2021.

On 14/09/2022, the Home Office declared that her application was invalid. She is currently in the process of challenging this decision.

On 04/09/2024, a letter was submitted to the Home Office requesting a written explanation and a detailed breakdown of how the amount had been calculated and on what basis she was being charged again. In addition, we requested guidance on the formal procedure to appeal or challenge this matter. We assisted Mrs. KU in communicating with the Home Office regarding this issue.



# TAMIL WELFARE ASSOCIATION (NEWHAM) UK

## PROUDLY PRESENTS

### 'Paraa para' Tamil New Year

# Cultural Night 2026

**1. Welcome speech by the Chairperson: Mrs Tharjini Thayabaran**

**2. Vocal Singing - Group 01**- Ashvini Akilan, Jashwin Akilan, Harshini Shanmugathan, Miviyah Krishnakumar, Apisha Karunanantharajan, Prahana Vadivet, Morhanikha Thayalakumar, Vaishnave Nanthakumar, Varnavi Nanthakumar, Tanesi Mohanathas, Srinikka Kartheepan.

**Accompany Artist-**

**Mirudhangam:** Athurvan Kirupakaran, **Keyboard &** Veena - Manojah Sathiyaseelan, **Violin-** Harsan Ravichandran

**3. Cinema Songs by:** Sangeesh srinesa

**4. Mirudhangam Performance - (Student of TWAN Fine Arts Academy)**  
**Presented by Sri Harish Thayaparan and Brahman Partheeban.**

**5. Thirukkural Recitation –** Saintavi Kulentharrajah, Aksara Rathakrishnan, Anooshi Mohanathas, Akshara Vijayakumar

**6. Bharatnatyam – Group 01 (3 students of SMT Thevaki)**  
Vinoshri Murugesan, Nithyashri Murugesan, Jasmin Lilly, Aayushi Garg

**7. Annual Report Presentation by Miss Showmeya Jeevathas**

**8. Cinema Songs:** Aksara Rathakrishnan Akshara Vijayakumar and Ananya Vijayakumar (song 2)

**9. Violin – Group 01 (Students of TWAN Fine Arts Academy) Presented by Miss Minusa Letchumikanthan:**

Sayinthavi Umasuthan, Sainthavy Jeyaseelan, Sanjana Jeyaseelan, Mathuranki Krishnakumar, Poonisha Visvanathan, Jathavi Niranjan, Anvee Vora

**10. Lighting of the Lamp (Tamil Thaa Vazhthu) & Honouring 40 Former Directors**

**Tamil Thaa Vazhthu:** Pranavi Shangeevan, Khavin Shangeevan, Dhiyaani Sivaganeshan, Aarththy Jeyanesan, Thieyana Nissanthan, Stina Sasikaran

**11. TWAN Documentary Presentation**

**12. Bharatanatyam – Group 02 (Santha Teacher)**

Shasthi Suthakaran, Makathi Sutharsan, Aarika Pillai, Aakavi Agash, Jaishnavi Jaisun, Samyuktha Kantharuban, Abilaya Sathisjkanna

**13. Chief Guest Speech & Certificate Presentation: Stephen Timms**

**14. Veena Performance-** Akshra Thileepkumar, Ilakiya Nadarasa, Kumuthini Thileepkumar, Minusa Letchumikanthan, Bakisha Letchumikanthan.

Shaiyini Ravindran, Thulashica Carthigeya, Thadshayini Thabesh, Shivani Sathiyalingam, Ayanee Jeyanthan, Shivaabairavi Sritharan.

**Vocal Accompany –** Anushka Kishorekumar.

**Accompany Artist - Mirudhangam** Bharathieneyan Sritharan

**15. Bharatanatyam – Group 03 (Santha Teacher)** Riya Vignesh, Tejaswi Santhoshkumar, Shivani Alagappan, Poorvi

**16. Day Centre Programme –** Rajaletchumy Sabanayagam, Saratha Arumugam,

Suganthi Srinesa, Asvini Akilan, Jashwin Akilan, Srinikka Kartheepan, Morhanikha Thayalan, Thangaratnam Saravanabavan, Rohini kavi, Indrathivi Gunasingam, Sivakumary Santhirakumar, Jessie Sachithanathan, Saras Shanmugalingham, Ghandhimathy Sooriyakumar, Santhiraleela Gopalasingam, Chanthimani Nagararajah, Vijayaluxmy Kanagendran, Chandramalar Sivanesachelvan, Gnanapakyam Nithyanathan, Baby Sarojah Kanagasabesan, Malini Gopalanathan, Punithavathy Thirunavukkarasu, Krishna Ilanganathan.

**17. Cinema songs-** Aarathi Pushparajah, Anurakavi Pushparajah  
Dhiyaani Sivaganeshan, S. Arunachalam

**18. Vocal – Group 02 (Students of TWAN Fine Arts Academy) Presented by Smt. Suganthi Srinesa**

Saintavi Kulenthirarajah, Akshara Vijayakumar, Pranavi Shangeevan, Khavin Shangeevan, Aksara Rathakrishnan, Aarththy Jeyanesan, Stina Sasikaran, Thieyana Nissanathan, Anooshi Mohanathas, Jathavi Niranjana and Dhiyaani Sivaganeshan.

**Accompany Artist**

Mirudhangam - Athurvan Kirupakaran, Keyboard & Veena - Manojah Sathiyaseelan,  
**Violin** - Harsan Ravichandran

**19. Violin Group 02: Presented by Minusa Letchumikanthan & Bakisha Letchumikanthan**

**20. Special Guest Speech & Certificate Presentation**

**21. Band Performance: Presented by Thayalan Master**

Gildas Sridaran (Drum), Enzo Jeevaratnam (Drum), Jayden Aravinth (Drum), Kavish Arulthasan (Drum), Keethan Muhunthan (Guitar), Nilaash Nantharajan (Guitar), Saameka Sasitharan (Keyboard), Amogh Sankari (Tabla and Guitar), Kavin Rajan (Guitar), Kautik Sendoran (Guitar).

**Singers-** Pranavi Shangeevan, Krishnakanthan Dharmendra, Pirashanth Kandasamy and S. Arunachalam.

**22. Cinema songs -** Buvan Kirupakaran, Athurvan Kirupakaran

**23. Bharatanatyam - Group 04 (Santha Teacher)** Thara Saravanan, Jiya Ranjith, Adwitha Nampellei, Naya Patel, Anoja Karamegan

**24. Folk Dance (01)-** 'Kiramiya Kalayarasu', 'Vadoor Nadipisai Kavalan' Dr K.S. Thiraviyaraja & 'Kiramiya Kural', 'London Awayar' Vijayalakshumy

**25. Guest Speech & Certificate Presentation: Umesh Desai (LAM)**

**26. Cake Cutting Ceremony**

**27. Bharatanatyam: Group 05 (Santha Teacher)** Amaya Thuraisingham, Ansika Sanjeev, Premika Jayendran, Alanrita Roy, Shashika Kajendran

**28. Fusion Dance: Group of Rhythm -** Manesa Vimalathan, Merry Karunahatan, Sarmily Thanarajasingam, Nierraja Navaratnarajah, Kavilash Jeyarajah, Kavinash Jeyarajah, Baranya Balendran, Niderson Kathiravelu, Luxshan Vissi.

**29. Raffle tickets**

**30. Folk Dance:** Dr K.S. Thiraviyaraja & Vijayalakshumy Thiraviyaraja

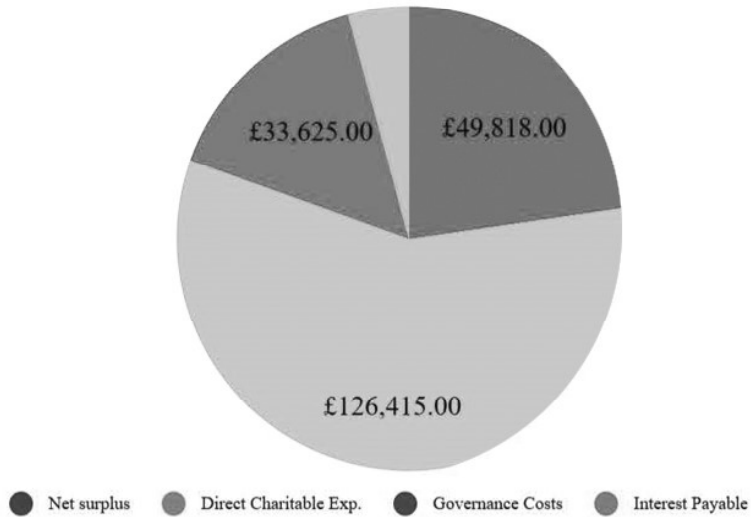
**31. Bharatanatyam- Group 06 (Santha Teacher)** Yogya Jannila, Anjana Gnagnalingam, Shrinja, Aishwarya Periyakarupan, Soundarya Periyakarupan

**32. Cinematic Dance Performance:**

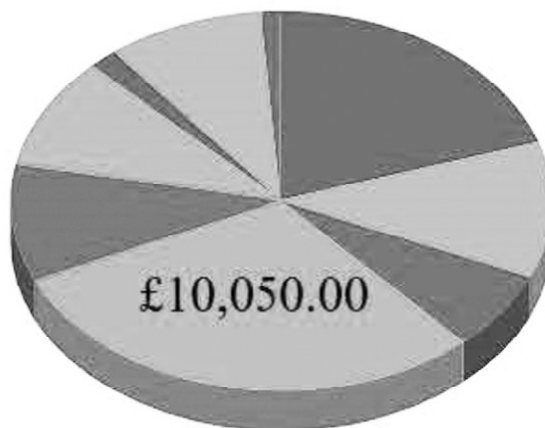
Marshida Usman, Zineerah Fathima Usman

Net surplus	£49,818.00
Direct Charitable Exp.	£126,415.00
Governance Costs	£33,625.00
Interest Payable	£9,269.00

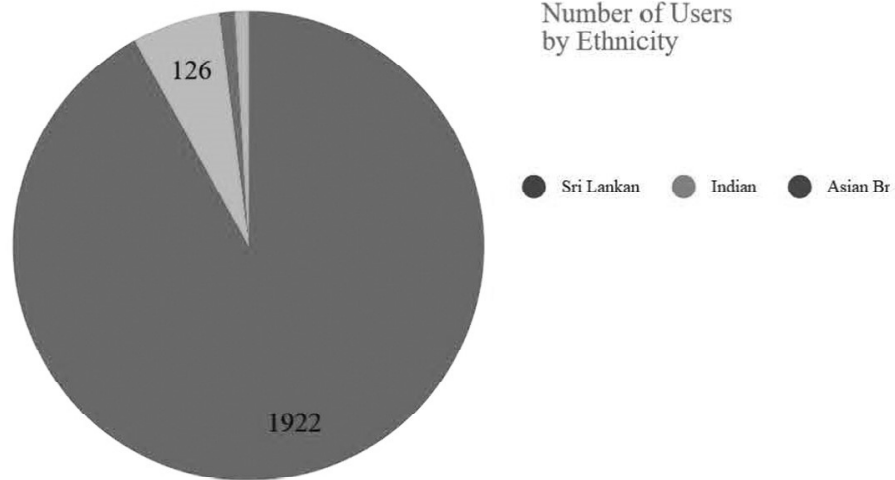
Total Expenditure Breakdown



Light and heat	£6,715.00
Telephone and fax	£3,885.00
Printing, postage and stationery	£2,268.00
Office maintenance	£10,050.00
Repairs, renewals and maintenance	£3,346.00
Accountancy	£3,200.00
Security costs	£587.00
Travelling	£3,179.00
Bank charges	£395.00



Ethnicity	Number of Users
Sri Lankan	1922
Indian	126
Asian British	23
Other	19



Purpose of Visit	Number of Users
Asylum	383
Benefits	396
Employment	33
Education	19
Housing	194
Family Issues	100
Non-Asylum Immigration	533
Offence/Crime	31
CON	65
Other	327



## Expenditure Breakdown Including Net Surplus

**Table No: 01**

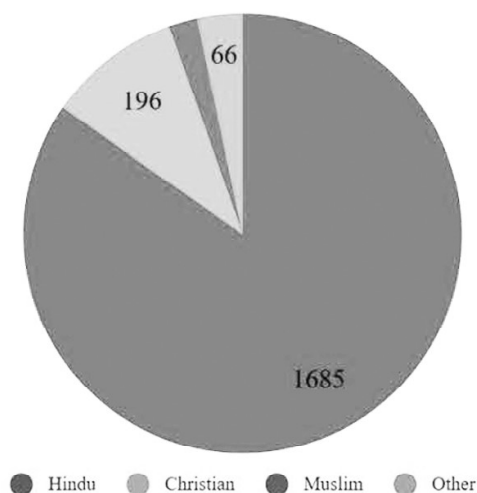
Costs	
Client disbursements	£30,577.00
Education project	£2,032.00
Age concern project	£0.00
Salaries and wages (incl. NI)	£52,000.00
Professional fees	£650.00
Volunteers and sessional workers	£33,221.00
Staff recruitment and training	£1,445.00
Rates and insurance	£6,490.00



- Client disbursements
- Education project
- Salaries and wages (incl. NI)
- Professional fees
- Volunteers and sessional workers
- Staff recruitment and training
- Rates and insurance

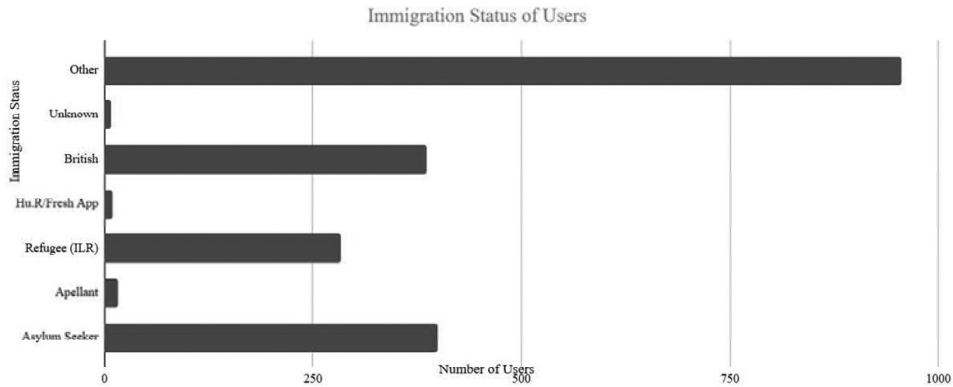
Religion	Number of Users
Hindu	1685
Christian	196
Muslim	43
Other	66

Religion of Users



- Hindu
- Christian
- Muslim
- Other

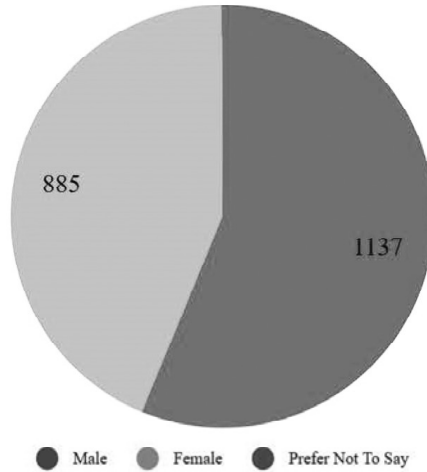
Immigration Status	Number of Users
Asylum Seeker	399
Apellant	16
Refugee (ILR)	283
Hu.R/Fresh App	9
British	386
Unknown	8
Other	956



Borough	Number of Users	Percentage
Newham	732	35.3
Red Bridge	376	18.1
Waltham Forest	77	3.7
Barking & Dagenham	42	2.0
Greenwich	41	2.0
Lewisham	43	2.1
Bromley	6	0.3
Croydon	25	1.2
Brent	15	0.7
Hovering	27	1.3
Haringey	6	0.3
Hounslow	19	0.9
Harrow	48	2.3
Merton	7	0.3
Southwark	14	0.7
Wandsworth	3	0.1
Ealing	46	2.2
Enfield	15	0.7
Hillingdon	11	0.5
Sutton	6	0.3
Barnet	1	0.0
Baxley	13	0.6
Hackney	8	0.4
Lambeth	0	0.0
Kingston Upon Thames	13	0.6
Outside London	125	6.0
Homeless	8	0.4
Other	349	16.8

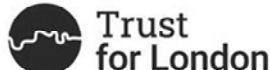
Gender	Number of Users
Male	1137
Female	885
Prefer Not To Say	1

Gender of Users



## TWAN Family Outing - 2025





**TWAN – Tamil Welfare Association (Newham) UK**  
 Legal | Welfare | Integration Support

**WHO WE SUPPORT**

Tamil speaking people in UK, Asylum seekers, Refugees, Migrants and settled people in community by providing legal advice, casework, welfare support and integrative Assistance.

**OUR SERVICES**

**LEGAL SUPPORT**

1. Asylum & Appeals (Legal Aid)
2. Minor Criminal offences (Advice & Assistance)
3. Family Matters (Casework & Support)
4. Immigration Casework
5. Visa Extension & Settlement
6. Other immigration issue

**CONSUMER & MONEY ADVICE**

1. Bank Account opening support
2. E-visa & share code guidance
3. Debt managing
4. Insurance Applications (UK based)
5. Financial Advice & Referrals
6. Tax issues

**BENEFITS & HOUSING**

1. Universal credit applications
2. Pension credit
3. Personal Independence Payment (PIP)
4. Child Benefit
5. Housing Benefit & Accommodation Advice
6. Homelessness Advice
7. Arrears issues (Rent/Mortgage)

**HEALTH, WORK & EDUCATION**

1. Healthcare Advice
2. Employment
3. Workplace Rights
3. Education & Training Guidance

**INTEGRATION & COMMUNITY SUPPORT**

1. NASS Applications & Appeals
2. Refugee Integration support
3. Local Authority Referrals
4. Ongoing case guidance
5. Food Assistance
6. Penalty issues/Parking tickets issues

**Drop-in for emergency services**  
**Monday to Thursday : 9:30 AM – 12:00 PM**

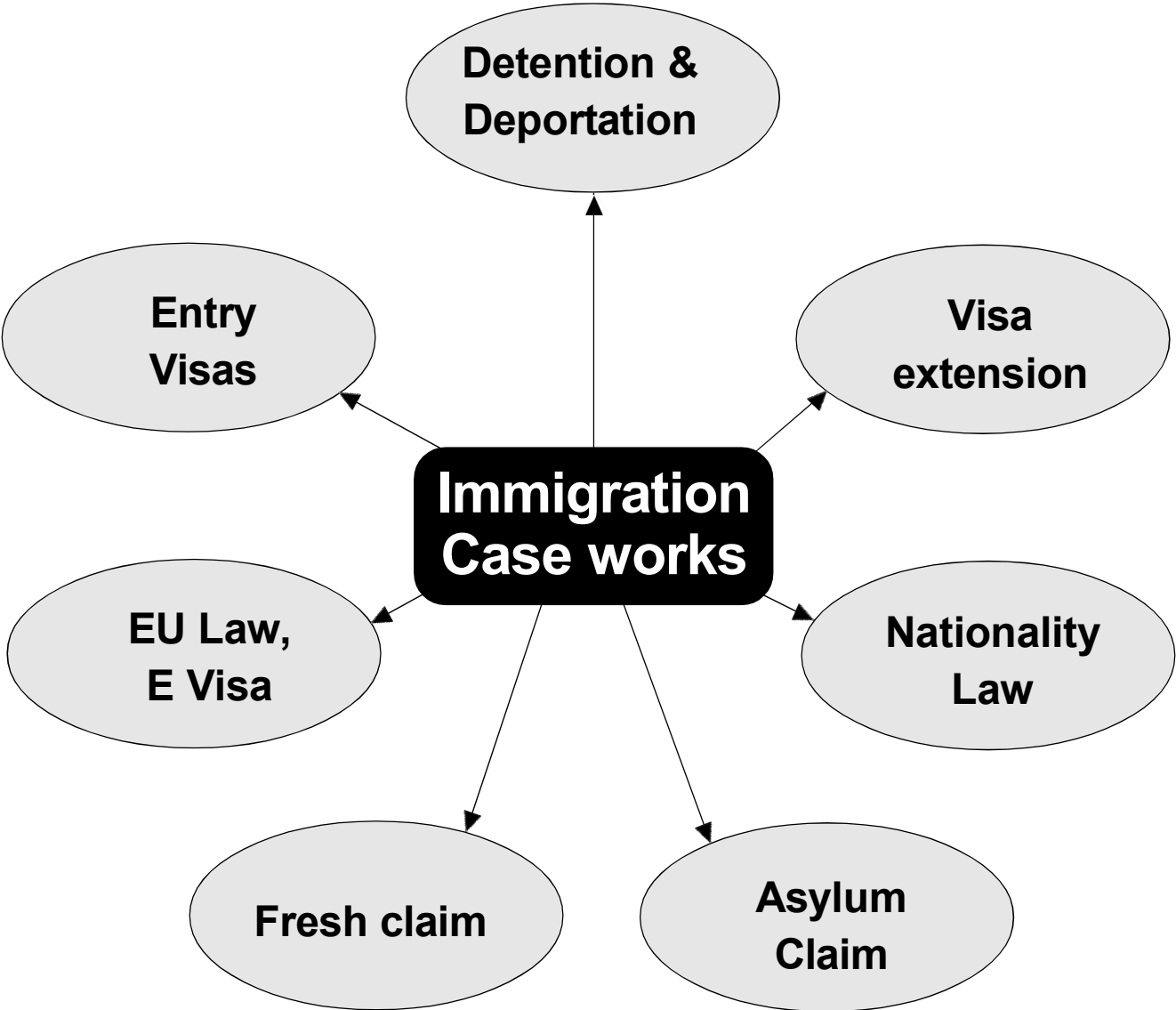
**Telephone advice & Appointments**  
**Monday to Thursday : 2:00 PM – 4:00 PM**

**602 Romford Road, Manor park, London E12 5AF**  
**Email: [Twan@twan.org.uk](mailto:Twan@twan.org.uk) | [www.twan.org.uk](http://www.twan.org.uk)**

**Friday – Strictly appointment holders only**  
 We are unable to see people without appointments.

**To book an appointment, please call 0208 478 0577**

# IMMIGRATION CASE WORK- 2026 PART 2



# Introduction

Immigration casework is one of the primary services delivered by TWAN for the Tamil community. Most individuals who use this service are migrants or asylum seekers seeking to avoid detention or removal, secure their residence in the UK, and fully exercise their rights. The central objectives of this service are to provide clients with the necessary assistance to retain their lawful status and safeguard vulnerable individuals from immigration-related difficulties. Our work covers a broad range of applications; including family visa extensions, refugee extensions, human rights applications, settlement applications, discretionary leave extensions, family visit visa applications, family reunion applications, family entry visa applications, EU settled and pre-settled status applications, as well as travel document applications.

There are several reasons for the exceptionally high demand for this service. Many of our clients' additional challenges are closely linked to their immigration status; therefore, issues related to welfare benefits, housing, family matters, and other community-based legal concerns often involve immigration matters as well. Fortunately, we are fully qualified and authorised to help across all three stages under the 'Immigration Advisory Authority' (formerly OISC). We are also entitled to challenge cases through all levels and stages of the appeals process.

Another significant reason for the high demand for immigration support is that many firms and solicitors do not currently possess a Legal Aid Certificate, and migrants and asylum seekers are often unable to meet the costs of private legal representation. Other service providers, such as Law Centres and the Citizens Advice Bureau, only offer advisory services and do not undertake casework. In contrast, we hold legal aid contracts with well-established organisations, which support us in securing the necessary Legal Aid Certificates for cases before higher courts. As a result, we receive the highest volume of enquiries relating to immigration and asylum matters and can provide comprehensive casework assistance.

Our statistics data shows high number of people receive immigration related casework service.

This project is currently funded by the National Lottery through the Reaching Communities

Programme. In 2024, we supported approximately 514 individuals seeking guidance on immigration-related matters, with 239 of these cases logged as ongoing casework. Our overall success rate remains high; however, applicants frequently encounter substantial obstacles, mainly due to the cost of application fees approximately £1,033 for the application itself and an additional immigration health surcharge fee of £2,568. Many individuals continue to find it difficult to afford these costs, at a risk of overstaying their visa. In such situations, it is our duty to inform community members of their available options, support them in applying for fee waivers, and assist in extending their visas before they become overstayers.

Another major challenge we face relates to restrictions on access to public funds. Some clients, who urgently require public support to prevent starvation or homelessness, are unable to claim welfare benefits because of limitations. In these circumstances, we may need to help them by applying to the Home Office and presenting evidence of changes in their personal circumstances to lift the public fund restrictions. This process allows them to access essential assistance to meet their basic needs and avoid further legal or financial hardship.

## Visa Extension Applications

Assistance with visa extension applications is one of the main parts of our immigration service. Applications differ based on individual circumstances as most people come with limited visas like spouse visas, work permit visas, student visas, etc.,

A client on a spouse visa generally has a 2 ½ year leave. Before its expiry, the applicant must make an extension application. If their household earnings have not changed and they obtain the B1 English Language certificate, then they can obtain a further 2 ½ year extension under the 5-year route settlement. However, if they cannot pass the B1 certificate or their income reduces below the required salary scale (£29,000 P/A) then their 5-year route settlement becomes a 10-

year route settlement, and they must obtain three times 2 ½ year extensions to obtain the Indefinite Leave to Remain (ILR).

### Fee waiver

In our experience, some of the members in the community do not renew their visa before it expires due to financial reasons. If they cannot make the total payment sum of £3,908 (Application fees - £1,321, IHS surcharge-£2,587), they should seek legal advice to extend their visa rather than staying as an overstayer. At TWAN, we assess their financial circumstances and assist them in submitting a fee waiver application with the relevant supporting documents. If their application is approved by the Home Office, they will be issued a code which can be used to submit the visa extension application without paying the fees.

### ***Removing No Recourse to public fund (NRPF) restriction***

According to our records, the demand for this service is increasing because many migrants are restricted from welfare benefits and other entitlements because of public fund restrictions. When a vulnerable individual's circumstances change for the worse, we may have to review their requirements and accordingly submit applications to the Home Office with the request to remove rehost to public fund restrictions. Otherwise, the individual or their family may fall below the poverty level and face hardships.

### **FLR (FP) - Further Leave to Remain (Family & Private life)**

FLR(FP) is an application under Article 8 of the European Convention on Human Rights for individuals who do not qualify under the standard partner or spouse visa route but have established family or private life in the UK. It is commonly used by applicants on the 10-year route to settlement. If the application is successful, a 2.5-year (30-month) period of leave is normally granted. Applicants on the 10-year route typically require four grants of 2.5 years' leave before becoming eligible to apply for Indefinite Leave to Remain (ILR). The processing time for this application is generally around 8 to 10 months, although this may vary depending on individual circumstances and Home Office workload.

Mostly, it is appropriate for applicants who do not qualify under the standard partner or family

visa routes but have strong family or private life grounds to remain in the UK under Article 8 of the European Convention on Human Rights and for those who cannot meet financial or English language requirements, those with long residence in the UK, or those who would face significant hardship if required to leave.

Applicants must also pay the Home Office application fee of £1,321 and the Immigration Health Surcharge (IHS) of £2,587, as applicable at the time of application. However, individuals who are unable to afford these costs may be eligible to apply for a fee waiver.

### **CASE STUDY 1:**

Mrs NN visited us in late 2022 as the spouse of a settled person in the UK. She completed the 2 ½ year extension 4 times, which means she was entitled to settlement under the 10-year route. Accordingly, we advised her to pay the requisite application and health surcharge fees to complete her settlement application. However, she is on benefits and was unable to raise money to submit the application for settlement. Therefore, we decided to apply for a fee waiver application. Upon approval of the waiver, we made further extension application FLR (FP) which was successful in March 2025. She was granted further 2 ½ year extension until September 2027.

### **CASE STUDY 2:**

Mrs. LC came to the UK in November 2008 on a spouse visa. She extended her spouse visa four times. Her leave was due to expire on 30 November 2024, and she wished to apply for settlement. As Mrs. LC could not give dates of the 4 spouse visa extensions, we advised her to submit a 10-year long residence application. However, Mrs. LC could not pass the B1 English test, so we advised her to submit the FLR (FP) application instead. We gave her detailed instructions and advised her to submit bank statements, bills etc. Her application came back in August 2025, and she was granted permission to stay in the United Kingdom as a partner on the family route until March 2028.

### **CASE STUDY 3:**

Mrs. JT came to the UK in November 2015 on a spouse visa. She had an extension twice and now wished to extend for the third time. Her spouse visa was granted in November 2022 and expired in May 2025. She was advised that the salary threshold for the spouse visa has increased. As

she could not meet the financial requirements, we instructed her to provide the documents necessary for an FLR(FP) application like bank statements and an English proficiency test. Mrs. JT was then granted a visa as a partner on the family route until July 2028. After a 10-year qualifying period in the UK, she will be able to apply for settlement.

### **Indefinite Leave to Remain (ILR) – (10 Year Route Settlement)**

This refers to the route to settlement for individuals who have completed 10 years of continuous residence in the UK, commonly known as the long residence route. Indefinite Leave to Remain (ILR) is the immigration status that allows a person to live, work, and study in the UK without time restrictions. Applicants may be eligible to apply for ILR after completing the required qualifying period, provided they meet all relevant Immigration Rules and requirements at the time of application. Some individuals may be granted limited leave under the 10-year family or private life route (for example under FLR(FP)), where they are issued successive periods of leave to remain before becoming eligible for settlement. In such cases, applicants must continue to comply with the conditions of their leave until they qualify for ILR.

Eligibility for the 10-year long residence route depends on an individual's immigration history and periods of lawful residence in the UK. In many cases, only lawful residence counts towards the qualifying period, and time spent as an asylum seeker or without lawful status may not usually be included, although each case must be assessed individually. The standard application fee is £3029 per person and the Immigration Health Surcharge (IHS) is not payable for ILR applications, and fee waiver provisions are generally not available for ILR, although limited exceptions may apply in exceptional circumstances under Home Office policy.

### **CASE STUDY:**

Mr. SR approached us in September 2025 for advice and assistance in applying for the 10-year route settlement application. He first came to UK in January 1999 as an asylum seeker. His asylum claim was refused but he was granted leave for 2 and half years on compassionate grounds under

the 10-year route. He has extended his visa 4 times under the 10-year route and is now looking to apply for settlement. His current leave was granted in April 2023 and expired in October 2025. As the client passed the English test and the life in the UK test, we advised him to complete a settlement application under the 10-year private life route which was later successful.

### **FLR (M)**

This is one of the most common applications submitted for individuals who have entered or remained in the UK on a spouse or partner visa and are applying to extend their stay after their initial 2.5-year grant of leave. This application is part of the 5-year partner route to settlement.

To succeed under this route, the applicant must meet specific requirements, including the A2 English language requirement and the relevant financial requirement. Previously, the financial threshold required a minimum annual gross income of £18,600. However, from April 2025, this has increased to £29,000 per annum (gross). If an applicant is unable to meet either the financial or English language requirements, they may not qualify under the 5-year partner route and may instead need to consider alternative immigration options, such as the 10-year family or private life route (FLR(FP)), depending on their individual circumstances. The application fee is £1,258, and the Immigration Health Surcharge (IHS) is £2,587.50, giving a total of £3,845.50.

If the applicant income is reduced, then there may be other forms which are required to be submitted along with the application. Some of the key documents are: ESOL entry or A1/ A2 certificate, ID and certificates, Payslips/P60, Bank statements and Tenancy agreement.

### **CASE STUDY 1:**

The client PK is over 65 and came to UK with spouse visa in 2023. The current 2 ½ year visa will expire in 2026. She wishes to extend her visa for further two years so she gets 5 years after which she can apply for settlement. Since she is 68, she is exempt from English language requirement. She came to us for assistance of FLR(M) application and we advised her on submitting the necessary documents. Her application was successful and she was granted permission to stay until October 2028

### **CASE STUDY 2:**

The client came to the UK in February 2023 on a spouse visa with two dependants. Her visa was due to expire in two weeks' time, and we assessed the requirements to make a further (two and a half year) extension under the 5-year route category. She met the criteria, and we opened a file and submitted the application before the visa expired. Subsequently, we arranged an appointment to provide biometric data. After three months, she was granted further leave of two and a half years under the 5-year settlement route, together with her dependants.

### **FLR (HRO): Further Leave to Remain (Human Rights Grounds)**

This application is appropriate for individuals who wish to remain in the UK based on their human rights, particularly under Article 8 of the European Convention on Human Rights, which relates to the right to respect for private and family life. This route is usually used when a person cannot apply under other standard immigration routes but has strong family or private life ties in the UK. It may apply to individuals who have lived in the UK for a long time, have close family members in the UK, or where there would be significant hardship if they were required to leave the country. Applicants must demonstrate that removing them from the UK would interfere with their family or private life and that there are compelling or exceptional circumstances for them to remain. Evidence such as proof of residence, family relationships, medical conditions, education, and community ties may be required. If the application is successful, the applicant is usually granted limited leave to remain in the UK. They may later qualify for settlement (Indefinite Leave to Remain) after completing the required lawful residence period under the relevant route.

### **CASE STUDY:**

The client came to our office in November 2024 on behalf of her son, who was 17 years old at the time. The son is a Malaysian citizen and came to the UK on a visitor visa in June 2023 as a minor. He claimed asylum when he was 17 years old, and the Home Office granted him Discretionary Leave (DL) for 8 months until 31 December 2024. His mother is currently in the UK. His father passed away when he was 8 years old, and his

mother raised him as a single parent. She is not receiving any benefits. The son is now over 18 and wishes to remain in the UK with his mother. We assisted them in submitting an FLR (HRO) application, which was successful, and he has now been granted an E-Visa.

### **SET (M)**

This application is for Indefinite Leave to Remain (ILR), for individuals who came with a spouse visa and have completed a 5-year settlement route or 10-year settlement route and are now qualified for a settlement application. No health charge needs to be paid for this application; however, the application fee is high (£3029). The key requirements are obtaining a life in the UK certificate, an English proficiency certificate (B1/B2) and funding the payments since fee waiver is not available.

### **CASE STUDY:**

The client attended our office on 16/03/2020 to seek advice regarding a SET(M) application. He entered the UK on 24/01/2015 on a spouse visa, which was valid until 22/09/2017. Subsequently, he was granted discretionary leave to remain on 23/10/2017, valid until 17/05/2020, under the 5-year partner route. As his visa was due to expire on 17/05/2020, he wished to apply for settlement in line with his wife, having completed more than five years in the UK. He had obtained the required English language certificate and had passed the Life in the UK Test, making him eligible to apply for Indefinite Leave to Remain. We assisted him with the application and advised that he had completed the probationary period as the spouse of a settled person in the UK. He also provided all necessary supporting documents. He submitted his SET(M) application before the expiry of his visa. Therefore, the likelihood of success was very high. Even if the application had been refused for any unforeseen reason, he would have had a right of appeal. Later, the application was successful and he was granted settlement.

### **SET (PR)**

This application is for refugees who have been granted five-year refugee status. Generally, they will receive Indefinite Leave to Remain (ILR) within four or five months from the date of submission. However, if the person has committed a crime or there are other adverse reasons, the

person may be granted a three-year extension instead of settlement.

Recently, this settlement route has become a topic of discussion as the current Home Secretary has indicated an intention to extend the settlement period on a long-term basis rather than the five-year period. The application includes a safe return review, during which it is assessed whether protection is still needed based on country conditions and personal circumstances. If protection is no longer required, the case is referred for revocation consideration.

Moreover, partners must show that they are in a genuine relationship and are living together. If settlement is refused but protection is still required, further permission to stay for 30 months is granted. No right of appeal exists if a grant of settlement is refused but further leave is granted. A right of appeal exists only if protection status is revoked.

#### **CASE STUDY 1:**

Mr. AS is a Sri Lanka national of Tamil, and he appealed on the basis that there was an error of law in the decision of the First-tier Tribunal by reasons of the reliance by the judge on Mr. AS's screening interview there was absent consideration in light of his confirmed vulnerability due to mental-ill health and PTSD. Considering this appeal, it was found that our client had a well-founded fear of persecution in Sri Lanka, on account of his perceived political opinion arising from his Tamil ethnicity and he falls within the risk categories. Therefore, considering these findings, Mr. AS was ultimately granted settlement under SET(PR).

#### **CASE STUDY 2:**

MR SM came to the UK in August 2002 and claimed asylum. After a long trial, his appeal was allowed by the immigration judge. Subsequently, he was granted 5-year leave. He approached us again to get the settlement. We made the SET (PR) application in time but were unsure of the outcome as he has been convicted of an offence within the 24 months which was recorded in his criminal record under the STP 2.1. As a result, after two months of waiting, he was given a 21/2-year extension instead of settlement.

#### **NTL**

NTL (No Time Limit) applications allow individuals who hold ILR in the form of an old-style vignette to apply to replace their paper immigration document with an e-Visa. Individuals who hold paper immigration documents are advised to make an NTL application to replace their document with an e-Visa. To support a transition to e-Visas, the Home Office announced that from 2<sup>nd</sup> June 2025, expired BRPs and EUSS BRCs will no longer be acceptable evidence of immigration status when travelling to the UK.

The ILPA will entertain correspondence from clients if their application falls under the following issues:

- NTL application has been pending for six months or longer
- NTL application was processed by the Windrush Team (whether client was given compensation and if compensation was offered, what was the outcome)
- You have been unsuccessful in contacting the Home Office to follow up on a pending NTL decision
- Have encountered significant challenges in submitting NTL or assessing e-Visa following the grant of an NTL application.

#### **CASE STUDY:**

Mr. SD visited our office in April 2023. He was an EU dependent family member who had obtained Indefinite Leave to Remain (ILR). He wished to apply for a biometric card with settled status. We assisted him in submitting the application, and he successfully received the card.

#### **TOC - Transfer of Conditions**

The Transfer of Conditions process allows individuals with limited leave to update their identity documents. This application endorses the visa on their new passport or update the persons e-visa with who is holding limited leave must make this application with required documentary evidence. In according to this process, they will be invited to attend the visa application centre to update their biometric details. In related to do this process the applicant should have leave remaining - (leave that has expired cannot be

transferred), continue to meet the requirements and conditions of the leave they were granted, if they no longer meet these requirements or conditions, or a change of identity indicates that they may have previously gained (or attempted to gain) leave by identity deception, it may be appropriate for permission to be cancelled, cancellation of permission must be considered by the Status Review Unit unless the applicant is a recognised refugee or beneficiary of humanitarian protection (HP), and for refugees or beneficiaries of HP you must make a referral to the Status Review Unit (SRU). If you are satisfied the applicant has existing leave and continues to meet the requirements for that leave, you must grant the application.

#### **CASE STUDY:**

The client came to our office on 26/11/2024. The applicant was born in the UK on 24/07/2019, before her father was granted refugee status. She does not hold any immigration documents and only has a birth certificate. We assisted her in submitting a Transfer of Conditions application on 27/02/2025. There was no application fee for this type of application. The purpose of the application was to replace her paper immigration document with an e-Visa and to update her personal details, as this could not be done through her UK Visas and Immigration account. As a dependent child, she is granted permission to stay in the UK in line with her parent. Her family's asylum claim has been successful, and they have been granted refugee status along with five years' permission to remain in the United Kingdom.

#### **NRPF (No Recourse to Public Funds)**

A person will have no recourse to public funds when they are 'subject to immigration control.' A person who is subject to immigration control cannot claim public funds (benefits and housing assistance) unless an exception applies. A NRPF condition is usually imposed when a person has been issued with leave to enter or remain for a temporary purpose, such as to visit, study or work. When a desperate situation to get benefit to prevent starvation or homelessness this is the form that has been submitted. The person who came here with spouse visa but after the arrival the circumstances change then we may have to apply for removing the public fund restrictions to get welfare support. Home office to be successful with this application evidence needs to be submitted related to change of circumstances and what

support they are getting from charities, family/friends, food banks these are the key features and similar reports to convince the home office public fund restrictions.

#### **CASE STUDY:**

The applicant entered the United Kingdom on a spouse visa following her marriage in India on 5 June 2023. She was initially issued a 90-day entry vignette valid from 23<sup>rd</sup> October 2023 to 21<sup>st</sup> January 2024 and mistakenly she believed this reflected the full duration of her visa. As a result, she did not take the necessary steps to confirm or extend her immigration status. On 7<sup>th</sup> October 2024, her husband sadly passed away at the age of 34 following a brain hemorrhage. We assessed her circumstances and advised her on the possibility of applying for Indefinite Leave to Remain (ILR) as a bereaved partner. Although there were complexities regarding her immigration status, we prepared detailed representations addressing her situation, including compassionate factors and her personal circumstances. The applicant was employed at Tesco and had begun to establish her life in the UK. We assisted her in submitting a settlement application, which was ultimately granted. She has now been granted Indefinite Leave to Remain in the United Kingdom.

#### **SET (DV)**

When a person comes to UK with a spouse visa and if the marriage breaks down due to domestic violence or abuse then this is the appropriate form to extend the person's stay in the UK. To be successful, we may need medical reports, police or social worker reports where possible. No application fee is applicable for this form.

#### **CASE STUDY 1:**

The client, a mother accompanied by her child, was affected by domestic abuse within the household. She was supported by the Homeless Immigration Service and was subject to NRPF conditions with an outstanding immigration application pending with the Home Office. Following her circumstances, we submitted a SET(DV) application on her behalf for Indefinite Leave to Remain as a victim of domestic abuse. We also advised her to provide supporting evidence where available, including medical records and any additional documentation requested by the Home Office. The client was subsequently granted Indefinite Leave to Remain.

We provided advice on her new immigration status and rights following the grant of settlement. The case was then closed, and the file was archived in accordance with organizational procedures.

### **CASE STUDY 2:**

The client was under domestic abuse from her husband. The client was on a spouse visa granted in October 2022 and due to expire in December 2024. Her husband asked her to leave the matrimonial home, but the client has no income and money to financially take care of herself. We made a request to the Home Office on behalf of the client to grant her leave under the domestic violence concession so that she can be granted 3 months limited leave to remain and access to public funds while she makes preparation to submit her application for indefinite leave to remain as a victim of domestic violence. In July 2023 the client was granted leave under Domestic violence concession for a period of 3 months until October 2023. In September 2023 we submitted our client's application for indefinite leave to remain as a victim of domestic violence. Home Office requested further evidence, and we advised client on obtaining the police reports. On May 2024 client was granted indefinite leave to remain.

### **CASE STUDY 3:**

The client entered the UK as a Spouse of British Citizen in September 2017; upon entry she was granted to leave to enter until May 2020. In August 2022 the client applied for further Leave to Remain under the Destitute Domestic Violence Concession. This was granted with an expiry date of November 2022. In October 2022 the client lodged her current application for Indefinite Leave to Remain as a Victim of Domestic Violence however this application was refused. It was stated that the client failed to provide sufficient documentary evidence to demonstrate that her marriage broke down because of domestic violence. We submitted a judicial review on the grounds that the decision of the Home Office did not attach sufficient weight to the information our client provided to support the application for administrative review including our client's police report, the undertaking made by Dartford Family court. Moreover, we submitted that the Home Office did not take into full consideration the best interests of the child. The client has two children who are British citizens and according to immigration rules there would be an

insurmountable obstacle to the two children accompanying their mother to Sri Lanka since they would suffer great hardship in a country, they are not familiar with. As a result of the judicial review proceedings and further consideration of the evidence and the best interests of the children, the Home Office decision was withdrawn, and the client was granted Indefinite Leave to Remain as a victim of domestic violence.

### **CASE STUDY 4:**

The client was born on 20<sup>th</sup> August 1993 in Sri Lanka and is a Sri Lankan national. She entered the United Kingdom on a spouse visa on 13<sup>th</sup> August 2020. She was in an arranged marriage; however, she subsequently separated from her husband. The couple have one child, who was born on 28<sup>th</sup> August 2021. The relationship broke down due to domestic violence perpetrated by her husband and her brother-in-law, following an incident that occurred on 28<sup>th</sup> August 2021. On the same date, the marital relationship irretrievably broke down, and the parties have been living separately since 12<sup>th</sup> December 2022. On 13<sup>th</sup> December 2022, the client submitted an application for Indefinite Leave to Remain as a victim of domestic abuse. This application was refused on 26<sup>th</sup> July 2023. The client subsequently submitted an Administrative Review on 3<sup>rd</sup> August 2023, which was refused on 4<sup>th</sup> December 2024.

In the refusal decision, the Home Office indicated that the client would be expected to return to Sri Lanka. However, relevant country guidance and case law indicate that the client, as a single female returning with a young child to a male-dominated society, would be at heightened risk of vulnerability, including exposure to social and economic hardship. It is therefore submitted that the additional grounds and new evidence submitted demonstrate a realistic prospect of success under the lower standard of proof. This is because the material had not previously been fully considered by the Secretary of State. It is further submitted that a Tribunal, properly directed and applying the lower standard of proof, would be likely to find that the client faces a real risk of persecution and serious harm on return to Sri Lanka, and that removal would result in a breach of her rights under Articles 3 and 8 of the European Convention on Human Rights.

### FLR (DL)

When a person is granted leave on discretionary or human rights grounds, then this is the specified form to submit for seeking a visa extension. Generally, people whose asylum claims have failed under the 1951 Refugee Convention, but who have been granted leave on human rights or other exceptional grounds (Article 3 and 8 of the ECHR) may apply for an extension via this form. A further 2.5 to 3-year visa is most likely to be granted. An application fee of approximately £1,258 is applicable, and the Immigration Health Surcharge (IHS) is £2587.00. Other documents such as identification, Asylum refusal letter, Address proof, and other supporting evidence relating to the claim may be required.

### CASE STUDY:

The client attended our office on 12/02/2019 to seek advice regarding a visa extension. Following review of his immigration history, we advised him that he could apply for a Discretionary Leave (DL) application, as he had completed five years of discretionary leave in the UK. We informed him that he needed to provide his passport, two photographs, and his original visa documentation. We also advised him that he would not need to pay the application fee, as he was a refugee and had completed four years of residence in the UK, making him eligible for a fee exemption in accordance with Home Office guidelines. We made a DL application and subsequently, on 09/09/2019 the Home Office granted him Indefinite Leave to Remain.

### SET (DR)

This is the application suitable for person granted 5-year refugee status and wanted to apply for settlement after completion of 5 year stay in UK. No application fee is required and generally success rate of this application is high, however if they committed criminal offence or any other adverse records then their ILR application may be refused and given 3-year leave.

### Fee waiver application:

When applicant is unable to pay application fees to Home Office with Health surcharge fee then we have to make the application to home office as a fee waiver application, if this application is successful then the applicant can submit the visa extension application without paying the fee, required evidence: family/friend support, 6 month bank statements, income expenditure,

rent/tenancy, employment (P60/Payslips) and other local council/charity support. People seeking settlement visa then fee waiver is not applicable.

### Case study 1:

Mrs SK came to this country in 2015 with 2 and ½ year spouse visa, she renewed 3 times under the 10 year route and she wanted to make further 2 and ½ year extension, she's living with two children and husband, but her husband is receiving PIP and Carer's Allowance, due to low income reasons she is unable to make payments sum of £1500 healthcare surcharge and application fees of around £1000, in these circumstances we decided to make Fee waiver application and made this application on September 2023 after the long consideration and evidence requested by the Home Office, the fee waiver application was finally approved with that quote we made the FLR (FP) application to extend her stay in the UK. The application was approved in March 2025 and granted further 2 and ½ year until July 2027. We advised her that she's entitled during the next extension in July 2027 for settlement, however, if she cannot find fee for healthcare surcharge and application fee then she cannot apply for settlement, only can she further extend her visa for 2 and ½ years.

### CASE STUDY 2:

The applicant came here with two dependent children with spouse visa after one year the couple got dispute and separated. The local council got involved and social workers provided temporary accommodation by private rented sector. Also, the local authority social workers removed the benefit restriction and made the universal credit application for her and her dependants. After, 3 months her visa expired, and universal credit struck their benefit, and she became homeless because the rent areas accumulated. Her utility was not paid and the suppliers cut off the connection, at this stage she approached us, and we examined her situation and contacted her letting agent and social workers to install their electricity and gas with emergency food. Also, we have given emergency food assistance, later we opened the file and made the fee waiver application few months later. The fee waiver application was accepted then we made visa extension application as a private life route because there was not enough evidence to make DV application while she is waiting for the

outcome, she is unable to claim any social worker benefits or rent benefit.

### **Student Visa Extension:**

We noticed users are approaching us who came to UK with student visa or worker visa category and wanted to extend their visa and get advice the possibility to stay in the UK. Due to lack of credible immigration advising agencies or solicitors even though it is not our priority work, we are helping the callers to extend their leave with appropriate category in time to avoid them staying as an overstayer.

### **CASE STUDY:**

Mr. AS came to UK as a student on a 1-year student visa in February 2024 and completed his studies. Subsequently, his visa was expired at this stage in June 2025. He approached us in September 2025 to extend his visa. We advised him to make the PSW application with relevant evidence. With our guidance, he obtained the relevant documentary evidence submitted the extension application. After 2 months, despite his overstaying records, the application was successful and granted further two years on the graduate route.

### **Travel Document:**

When people granted refugee status, they will get 5 years leave in this country they cannot obtain their native country passport therefore, they must obtain travel document from the home office to use as an Id or visit any other country rather than their native country. Generally, this travel document will be issued until the five years expires when the individual extended their refugee status into further leave or settlement, then they have to extend their travel document again until they obtain the citizenship of this country. To apply they need refugee status letter with proof of address and £75 application fees.

### **CASE STUDY1:**

The client entered the UK in 2023. He requested a Refugee Travel document. We assisted him with the application and informed the necessary authority that our client did not have a passport since he came to this country as an asylum without a passport. In February 2026 the Home Office granted the application for a Travel Document.

### **CASE STUDY 2:**

The applicant came to UK in September 2019 and was granted refugee status in November 2025. The applicant wishes to apply for travel documents, and he came to the UK without any travel documents as well. We assisted the client with his application and successfully obtained a Travel Document from the Home Office.

## **Nationality Law**

Most of our service users are migrants, and a key part of their integration involves supporting them to obtain citizenship in this country. In general, individuals who have been granted Indefinite Leave to Remain are eligible to apply for citizenship after one year; however, if their spouse is a British citizen, they are not required to wait for one year, or in some cases three years, before applying. To proceed with this application, applicants must provide specific documentation, including a B1(B2 from March 2026) English language certificate, proof of address covering five years, a Life in the UK test certificate, the spouse's Naturalisation Certificate, and payment of an application fee of £1,580.00. Individuals who are unable to obtain the B1 language certificate or the Life in the UK certificate may need to apply for a waiver of the knowledge of language and life in the UK requirements due to medical reasons. Applicants aged over 65 years are not required to submit the B1 certificate or the Life in the UK certificate.

In the case of a child under 18 years of age, if the child was born in the UK and has lived there for a minimum of five years, with at least one parent holding British citizenship, they may be eligible to apply for citizenship through child registration. Additionally, if a child has lived in the UK for more than ten years, they may apply for British citizenship, even if neither parent is a British citizen. This provision acknowledges the child's long-term residence and strong connection to the UK.

When applying for British citizenship using the MN1 form, the required documents usually include the child's birth certificate, evidence of the parent's British citizenship or Indefinite Leave to Remain (ILR), and proof of the child's residence in the UK, such as school records or medical documentation. Where relevant, the parent's passport or immigration papers and details of two referees may also be required. Additional

documentation may be requested depending on the individual circumstances of the application. In addition, an application fee of £1,012 and a file opening fee of £50 will be charged.

An important requirement for British citizenship is the **good character requirement**. Applicants must demonstrate that they are of good character, which includes consideration of their immigration history, criminal record, and compliance with UK laws. In particular, illegal entry to the United Kingdom or unlawful residence (such as overstaying or other immigration breaches) may have a negative impact on an application and can lead to refusal, depending on the circumstances and the time that has passed. The Home Office will assess each case individually, considering any mitigation, length of residence, and the applicant's overall conduct before making a decision on suitability for citizenship. Any person applying for British citizenship from 10 February 2025 who previously entered the UK illegally will normally be refused, regardless of the time that has passed since the illegal entry took place.

#### **CASE STUDY 1:**

The applicant, Mrs. PJ, entered the United Kingdom on 13 October 2008 and claimed asylum upon arrival. She was subsequently granted leave to remain as the spouse of a British citizen, and Indefinite Leave to Remain (ILR) was granted on 13 April 2024. On 16 April 2025, the applicant came to our office seeking assistance with a British citizenship application. We submitted her application on 22 May 2025. On 16 March 2026, the Home Office refused the application on the grounds that she had not demonstrated that she meets the "good character" requirement. **'The refusal letter states that any person applying for citizenship on or after 10 February 2025, who previously entered the UK illegally, will normally be refused, regardless of the time that has passed since the illegal entry'**.

The applicant entered the UK as a refugee with the assistance of an agent, who used another person's passport to facilitate her escape from Sri Lanka. Prior to this, she had been arrested under emergency regulations and detained at Vavuniya Joseph Camp for 31 days, where she was subjected to ill-treatment. Tragically, her husband was shot and killed by government forces before her arrest. Following her release, she continued to live in fear of persecution. Her relatives arranged for an agent to assist her travel. The

agent accompanied her to Heathrow Airport but absconded with the passport upon arrival. The applicant immediately claimed asylum at the port of entry. She now has strong family ties in the UK. Her current husband and two children are British citizens, including one child who is under the age of 18. We submit that the Home Office decision represents a misinterpretation of Articles 31 and 34 of the 1951 Refugee Convention and constitutes a breach of Article 8 of the European Convention on Human Rights. Furthermore, the application of a blanket policy in this case is unlawful, disproportionate, and irrational.

#### **CASE STUDY 2:**

The applicant, Mr TT, 29 September 1974, entered the United Kingdom on 23 May 1999 as an asylum seeker and was subsequently granted refugee status. He later obtained Indefinite Leave to Remain (ILR) in 2011. On 12 March 2025, the applicant attended our office to apply for British citizenship. We assisted him in submitting his application. On 30 July 2025, the Home Office requested further information before continuing the consideration of the application. The applicant declared multiple convictions in his application, with the earliest offence dated 11 December 2001 and the most recent offence dated 11 March 2022. While it is acknowledged that most of these offences are historic, Home Office policy states that when assessing custodial convictions, the full sentence imposed by the court must be considered, rather than the time served. In response, the applicant explained that he is a family man with two children who depend on him. He emphasised that he has significant family responsibilities and is committed to supporting and caring for his family. He stated that refusal of his citizenship application would have a serious impact on his life, including limiting his employment opportunities, restricting his ability to travel abroad with his family, and causing unnecessary stress.

The applicant expressed genuine remorse for his past convictions, stating that he feels ashamed and embarrassed by his previous behaviour. He explained that he has made sustained efforts to reform, improve his character, and become a positive role model for his children. He further stated that he has learned from his past mistakes and is committed to living as a responsible and law-abiding individual. He also confirmed that he is determined to succeed in his application and to continue contributing positively to society. On

15 September 2025, the applicant's citizenship application was approved. He subsequently received an invitation to attend a citizenship ceremony, where he will be required to take an oath or affirmation of allegiance to His Majesty the King and make a pledge of loyalty to the United Kingdom. Upon completion of the ceremony, he will be issued with his Certificate of British Citizenship.

### **CASE STUDY 3: Child Registration**

The applicant was born in the United Kingdom and has resided there for over 10 years. They now seek to apply for British citizenship by way of child registration. Neither parent holds British citizenship. The applicant attended our office on 9 July 2025 to seek assistance with the application. On 9 October 2025, we submitted the application using Nationality Form T. On 2 January 2026, the Home Office requested further information before continuing consideration of the application, specifically evidence of the applicant's continuous residence in the United Kingdom, particularly for the period between 2018 and September 2024.

In response, the applicant provided a letter from Dersingham Primary School confirming continuous residence in the UK throughout the relevant period. Following review of the additional evidence, the Home Office granted approval on 6 February 2026. The applicant has since received an invitation to attend a citizenship ceremony, where they will be required to take an oath or affirmation of allegiance to His Majesty the King and make a pledge of loyalty to the United Kingdom. Upon completion of the ceremony, they will be issued with a Certificate of British Citizenship.

## **Asylum Claim**

Asylum claim assistance is the most vital and sought-after service provided by our organisation to Sri Lankan Tamil refugees. Human rights concerns in Sri Lanka have persisted for many years particularly following the enactment of the Prevention of Terrorism Act and other emergency regulations. These provisions, among other things, grant unchecked powers to security forces regarding search and seizure, leading to further human rights violations. Many political and social activities relevant to the Tamil community in Sri Lanka are banned or subjected to disproportionate scrutiny by the government. As a result,

Tamils from Sri Lanka have been seeking asylum in host countries to evade persecution.

A high number of people have been approaching us to take up their asylum cases. However, we face several difficulties in accepting everyone's case. Due to our limited capacity, we must prioritise cases, as the Legal Aid Agency generally allows around 50 matter starts per year. Furthermore, when conducting merits assessments, we must ensure that cases fall within the required scope. Otherwise, the Legal Aid Agency may recoup the funds spent on a particular case.

Notably, if a particular case does not engage the 1951 UN Refugee Convention or Article 3 of the European Convention on Human Rights (ECHR), then it will not fall within the required scope. We also frequently receive calls from non-Tamil speakers seeking assistance with their asylum claims; however, we are unable to take up their cases. In 2025, we have opened files for more than 40 asylum cases, and approximately 50% of the asylum seekers are from the North of England and other similar areas. In such cases, attendance at our office for face-to-face appointments is limited, as many asylum seekers are unable to afford the travel costs to visit us. As a result, we may need to provide services by telephone or online where possible.

### **CASE STUDY 1:**

PT arrived in the United Kingdom on 06/08/2025 and claimed asylum at Heathrow Airport. Following a brief screening interview, he was released on immigration bail and permitted to stay in the community, where he was supported by a distant relative. The applicant is a Sri Lankan Tamil who had been living as a refugee in India. He reported that he had no political rights or security in India and that, despite his long-term residence there, he was not granted citizenship. He further stated that he had been politically active while in India and was subsequently arrested and subjected to ill-treatment due to his activities and refugee background. He also described additional personal risks arising from his relationship with his girlfriend, including opposition from her family due to their political affiliations and objections linked to his refugee status and caste background. He stated that following his release from detention, he was unable to live safely or freely in India. The applicant further claimed that he departed India with the assistance of an agent arranged by his

parents, and that he was threatened by officials in India with forced return to Sri Lanka. He fears that, if returned to Sri Lanka, he would face persecution due to his family's alleged links with the Liberation Tigers of Tamil Eelam (LTTE). He also fears prosecution in India for his irregular exit from the country. He therefore sought asylum in the United Kingdom on the basis that he faced a real risk to his life and safety in both India and Sri Lanka.

Following his asylum claim, he applied for support and accommodation under Section 98. This request was initially refused on the basis that he had access to £180 in funds. After he exhausted these funds and provided supporting receipts, he was subsequently granted Home Office accommodation on 19/11/2025. Following a substantive asylum interview and full consideration of his claim, the Home Office accepted that he faced a real risk of persecution. He was granted refugee status for five years on 13/02/2026, together with access to his e-Visa account.

#### CASE STUDY 2:

Ms. S.N arrived in the United Kingdom on 24/12/2023 on a two-year Skilled Worker visa and subsequently claimed asylum on 26/09/2024. She stated that she was assisted by an agent to leave Sri Lanka and obtain the Skilled Worker visa as a means of escaping persecution, and that she was unaware of her sponsor's identity. She confirmed that her primary intention in coming to the UK was to seek asylum. The applicant reported that she had previously been associated with the Liberation Tigers of Tamil Eelam (LTTE) between 2006 and 2009. She further stated that her recent political activities had drawn the attention of government authorities in Sri Lanka. She also explained that her elder sister, who was similarly involved in related activities, was killed during the civil war. She described an incident on 24/07/2023, during the commemoration of "Black July", when she believed she came under increased scrutiny from the authorities and risked detention. She further stated that she had been arrested on three separate occasions and subjected to ill-treatment, including physical and sexual abuse, by the Criminal Investigation Department (CID).

The applicant also stated that she left behind her husband and two children in Sri Lanka to escape

ongoing persecution. She reported that during one detention episode, despite her young child crying for her release, she was not released until her family paid a bribe of 500,000 rupees. Her initial asylum screening took place on 26/09/2024 at Lunar House. During this process, she disclosed that she had been suffering from depression and insomnia for approximately three months, with a significant deterioration in symptoms over the preceding three weeks. She also reported using medication for sleep. She was subsequently scheduled for a substantive asylum interview on 06/06/2025. In support of her claim, she submitted documentary evidence, including a medical report from the NHS confirming her mental health condition and suicidal ideation. Following full consideration of her case, the Home Office accepted that she faced a real risk of persecution. She was granted refugee status for five years on 19/01/2026, allowing her to remain in the United Kingdom.

## Asylum claims

### UN 1951 Refugee Convention brief

The **1951 UN Refugee Convention** is the main international treaty that defines and protects refugees and sets out state obligations. Under **Article 1**, a refugee is a person outside their country of origin with a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership of a particular social group, and who is unable or unwilling to return. The Convention ensures fair treatment through **Article 3 (non-discrimination)**, requiring states to apply its provisions without discrimination. It also provides important protections such as **Article 31**, which prevents punishment for refugees who enter a country illegally while fleeing danger, and the fundamental principle of **Article 33 (non-refoulement)**, which prohibits returning refugees to a country where they face threats to life or freedom. In addition, **Article 8** protects refugees from exceptional measures that may be applied to nationals of hostile states during war or conflict. However, the Convention excludes individuals from protection under **Article 1F** if they have committed serious crimes such as war crimes or crimes against humanity. States are also required to cooperate with the UN Refugee Agency under **Article 35**, and refugees are

granted essential rights such as access to courts, education, employment, housing, and identity and travel documents. Overall, the Convention creates a balanced legal framework that protects refugees while allowing states to manage security concerns.

- *How the domestic law contradicting with the UN 1951 Refugee Convention*

The Refugee Convention is not directly incorporated into domestic law but is applied through the Immigration Rules and legislation such as the Nationality, Immigration and Asylum Act 2002 enacted in the United Kingdom. However, recent legislation has raised concerns regarding its compatibility with the Convention. The Nationality and Borders Act 2022 introduced a differentiated or two-tier system of refugee status based on mode of arrival, which may conflict with **Article 31** of the Convention that prohibits penalising refugees for irregular entry. The Illegal Migration Act 2023 imposes a duty on the Home Secretary to remove individuals who enter the UK irregularly and restricts their ability to claim asylum, potentially undermining the right to seek protection. Furthermore, the Safety of Rwanda (Asylum and Immigration) Act 2024 designates Rwanda as a safe country for removal, raising legal debate about compliance with the principle of non-refoulement under **Article 33**. These legislative developments have led to ongoing legal and human rights discussions about whether the UK's domestic law fully aligns with international refugee obligations.

- *Why Tamils have been claiming asylum*

As outlined in the previous section, many Tamil asylum seekers have sought protection due to persecution linked to the Sri Lankan Civil War and its aftermath. During the conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), many Tamils experienced serious human rights violations, including violence, displacement, arbitrary detention, and enforced disappearances. Although the conflict formally ended in 2009, some Tamils continue to seek asylum based on ongoing concerns, including ethnic discrimination, imputed political opinion, suspected links to the LTTE, diaspora political activities, and the risk of detention or ill-treatment under Sri Lanka's Prevention of Terrorism Act. Under **Article 1** of the 1951 Refugee Convention,

individuals may qualify for refugee status if they demonstrate a well-founded fear of persecution on grounds such as race (including ethnicity), political opinion, or membership of a particular social group.

- *In country Applicants*

An in-country applicant is a person who applies for asylum after arriving in the United Kingdom. This may include individuals who entered the country without a valid visa or passport and subsequently claim asylum at the Home Office. It also includes those who initially entered the UK lawfully, for example on a visit, student, or work visa, but later seek asylum while already present in the country. In such cases, the individual makes an in-country asylum application. Also, in-country applicants are unable to claim subsistence only support.

- *Port Applicants*

A port applicants claims asylum at the point of entry to the United Kingdom, such as at an airport, seaport, or immediately upon arrival. These individuals make their claim to immigration officials at the border and will usually undergo a screening interview shortly after arrival. Port applicants may have earlier access to asylum support, including accommodation and financial assistance or subsistence only (If needed) under Section 95 of the Immigration and Asylum Act 1999, where they are considered destitute. In contrast, in-country applicants may face additional requirements before accessing the same level of support, where they are unable to claim subsistence only support. Aside from the point at which the claim is made, both port applicants and in-country applicants generally follow the same asylum determination process.

- *Interviews and evidence*

The asylum process in the UK begins with a screening interview, followed by a substantive asylum interview conducted under the Immigration Rules. During these interviews, applicants must explain their fear of persecution and provide detailed accounts of past harm or risk. Evidence may include personal witness statements, medical reports documenting torture or trauma, arrest warrants, media reports, country expert evidence, and country policy and information notes issued by the Home Office. Decision-makers assess credibility by examining

consistency, plausibility, and supporting documentation. The standard of proof applied is whether there is a “reasonable degree of likelihood” that the applicant would face persecution if returned.

• *Reason for refusal and Our Comments*

1. *MR JMR (Credibility)* – Mr JMR’s asylum claim was refused mainly due to credibility concerns. The Home Office stated that there was no evidence of adverse attention from the Sri Lankan government and refused to accept that the client was arrested or detained. Concerns were also raised about alleged family links to the LTTE. The refusal heavily relies on inconsistencies between the screening interview and later statements, particularly where the client said they had never been detained and were not a member of any organisation, which contradicts the main basis of the claim.

1.1. *Our Comments*

In our experience, credibility concerns are frequently cited as a common reason for refusal in asylum cases. It is important to recognise that many asylum seekers arrive in the UK in a state of significant psychological distress. The screening interview, conducted shortly after arrival, is primarily intended to record basic personal details and a brief outline of the claim. Several months later, applicants attend a substantive asylum interview, where they are given the opportunity to provide a full and detailed account of their experiences.

By the time of the substantive interview, applicants are often in a more settled state and better able to articulate the details of their claim. However, when adjudicating claims, the Home Office may compare answers given at the screening stage with those provided at the substantive interview and identify discrepancies. Differences in wording, omissions, or clarification of earlier answers are sometimes treated as material inconsistencies, leading to adverse credibility findings.

In our professional experience, such an approach does not always sufficiently consider the context in which screening interviews are conducted, including the

applicant’s vulnerability and mental state at the time. We have successfully challenged similar credibility-based refusals before the Immigration Tribunal, and we consider that greater care should be taken to assess alleged inconsistencies fairly and in context.

2. *Ms JK (inconsistency and lack of details)*

- The asylum claim was refused on credibility grounds due to inconsistencies and lack of details in the evidence. The home office found it inconsistent that the claimant initially stated a fear of the police and army but later mentioned fear of a non-state actor who is reportedly in New Zealand. It was also considered contradictory that the claimant claimed LTTE membership while in the screening interview mentioned that he had no political involvement. It was further considered inconsistent that the Claimant claimed to have left Sri Lanka with the assistance from a brother who works as a police officer despite previously stating that he had no family connections to the authorities. These inconsistencies led to the refusal of the claim.

2.1. *Our Comments*

During asylum interviews, applicants are often only able to answer the questions as posed, without being given the opportunity to expand or provide full details. If the Home Office requires more information on any incident, the correct procedure would be to ask follow-up questions and allow the applicant to clarify. Moving on to the next question without providing that opportunity, and later citing a “lack of detail,” is procedurally unfair. Similarly, where inconsistencies arise, interviewing officers should request clarification from the applicant. In practice, this frequently does not happen. Using such unclarified inconsistencies as a basis to refuse the claim is an incorrect approach and does not reflect the applicant’s genuine risk or the context in which responses are provided.

3. *Mrs SS* – The asylum claim was refused citing failure to establish a Convention ground arising from inconsistencies and lack of details in the Claimant’s account.

The Claimant stated that the problems began in 2021 after being arrested by Sri Lankan intelligence services for attending Tamil Heroes Day and supporting Tamil independence; however, they had previously stated that they did not know who or what he feared in Sri Lanka. He also claimed to be a member of the LTTE, which was considered inconsistent with the earlier account. Additionally, it was noted that the Claimant stated that they were arrested in 2021 for political activities while stating in the beginning they had never been arrested. These discrepancies led the Home Office to conclude that the account was not credible.

4. **Mr KS (Inconsistencies)** - The asylum claim was refused due to inconsistencies in the timeline and plausibility of the account. The claimant stated that their brother joined the LTTE in 2008 but was allegedly targeted by the authorities in 2017, despite country evidence indicating that the LTTE ceased to exist as an organised entity after 2009, making it unclear why the authorities would pursue the matter nine years later. Additionally, the claimant stated that they were arrested and beaten in 2017 due to their brother's alleged LTTE connections but also claimed that they did not fear the government until October 2024. The home office found it inconsistent and implausible that they would have no fear of the authorities for several years after allegedly being detained and assaulted, which contributed to the refusal on credibility grounds.

#### 4.1. Our Comments

It is common for the Home Office to refuse asylum claims citing inconsistencies in the applicant's account. However, differences in how incidents are described on separate occasions are often understandable. Many asylum seekers have experienced trauma, and some may have lower levels of education or cognitive capacity, which can affect their ability to recall and narrate events consistently. Applicants are also unfamiliar with formal interview processes and may feel stressed, intimidated, or anxious, particularly when interviewed without legal representation. Interviewing

officers have a responsibility to ask relevant follow-up questions to clarify any apparent inconsistencies. If applicants are unable to provide sufficient explanation during the interview, they should be given the opportunity to make representations through their legal representative. Such an approach would reduce the need for Immigration Tribunal interventions and promote a fairer, more efficient decision-making process.

It has further been a common theme for the Home Office to fail to contextualise the prevailing political situation and risks in Sri Lanka. The assertion that the LTTE ceased to exist in 2009, and therefore the authorities would not target the claimant in 2017, does not consider numerous country guidance reports indicating that former members, associates, or relatives of LTTE members have continued to face surveillance, harassment, or detention post-conflict. In our view, failing to recognise the ongoing security concerns and the continued deployment of emergency regulations by state authorities may render the credibility assessment unsafe.

5. **Mr SI** - The asylum claim was refused due to a lack of supporting evidence and failure to substantiate the claimed risk. The claimant did not provide documents referred to during the interview, including evidence of his alleged arrest or the newspaper article containing his photograph that was reportedly discovered by the Sri Lankan authorities. Additionally, country evidence indicates that the Government of Sri Lanka is primarily concerned with individuals who have had a significant or prominent role in the LTTE or Tamil separatism. The claimant did not provide evidence to demonstrate that he held such a significant or high-profile position either in Sri Lanka or in the UK. As a result, the home office concluded that the claim was not sufficiently supported.
6. **Ms TS** - The asylum claim was refused due to failure to prove well-founded fear arising from a lack of specificity, detail, and plausible explanation in the Claimant's account. The Claimant's description of how he identified his attackers as members of

the army was considered insufficient, as stating that they wore boots and had a certain haircut was not accepted as reliable evidence of their identity without official identification. Additionally, the Claimant was unable to provide a credible explanation as to why members of the public would not have contacted the police during the alleged eight-minute attack. The explanation given was considered unreasonable and lacking in detail, leading Home Office to conclude that the account was not credible.

7. *Ms TR* - The asylum claim was refused due to *No* convention nexus established arising from internal inconsistencies and lack of supporting evidence. The claimant gave inconsistent accounts regarding the number of times they were arrested in Sri Lanka, stating in the screening interview that they were arrested once, but later claiming in substantive interview that they mentioned they were arrested twice. There were also inconsistencies about the length of detention, as they stated during the screening interview that they were detained for three hours at the airport, whereas in the substantive interview they claimed they were detained for three days. Furthermore, although indicated that they would provide arrest warrants to support the claim of detention, the documents submitted were Sri Lankan registration documents which were not relevant to proving arrest or detention. These discrepancies contributed to the refusal of the claim.

8. *Mr BK (Failure to establish risk on return)* - The asylum claim was refused due to *Failure to establish risk on return* arising from inconsistencies and lack of detail in the Claimant's account regarding his involvement with the LTTE. The Claimant alternatively stated that he was a member of the LTTE and that he was only a supporter but failed to provide a clear explanation for this inconsistency. He also stated that becoming a supporter required attending training in Kilinochchi, but later said he never attended any training. When asked to explain the group's policies and aims, he was vague and could not provide sufficient detail. These inconsistencies and

lack of specific information led the home office to conclude that the account was not credible.

### 8.1. Our Comments

It is often very difficult for an applicant to prove that they will face persecution upon return. However, established case law indicates that once previous persecution is accepted, proof of future persecution is not strictly necessary. Despite this, in our experience, there are numerous examples confirming that failed asylum seekers are routinely questioned at Colombo airport and initially charged with breaching Sri Lankan immigration law. This allows the authorities to record personal details and cross-check them with internal records regarding previous arrests, political involvement, and other relevant information. Subsequently, returnees are often transferred to other facilities under the Prevention of Terrorism Act, where they may be detained for unlimited periods without judicial oversight or compliance with legal requirements. During such detention, returnees are highly likely to face ill-treatment. Decisions by Home Office caseworkers that fail to consider this pattern of treatment are not consistent with established country guidance and risk assessments and may result in unsafe conclusions regarding credibility and risk.

9. *Mr RR (Insufficient Evidence)* - The asylum claim was refused due to insufficient evidence arising from inconsistent statements and lack of detail. The Claimant stated that he was subjected to adverse attention of the police and the Pillayan due to his brother's involvement with the LTTE, but his statements were inconsistent and lacked sufficient explanation. Although he provided documents to support his claim, the Home Office concluded that these were not independently sufficient to establish credibility, in line with the case law of *Tanveer Ahmed (IAT 2002 UKIAT 00439)*, which requires the claimant to show supporting documents which can be reliably relied upon. These factors contributed to the refusal of the claim.

## 9.1. Our Comments

In our view, it ought to be recognised that asylum seekers cannot always bring documentary evidence with them when fleeing their country due to the risk of persecution. Even after arrival in a safe country, obtaining evidence can be extremely difficult. In the context of Sri Lanka, the Emergency Regulations and the Prevention of Terrorism Act facilitate arbitrary arrest, enforced disappearance, and ill-treatment by authorities, making it particularly challenging to gather documentation of personal suffering. Despite these practical difficulties, the Home Office often insists that all evidence be submitted within five working days of the interview, which is frequently scheduled two months after the claimant's arrival. This short timeframe places an unfair burden on asylum seekers and their representatives. In practice, a hearing scheduled several months later – often nine or ten months after the initial interview – provides sufficient time to obtain supporting evidence and present a robust case before an Immigration Judge. Penalising applicants for circumstances beyond their control, such as difficulties in obtaining evidence under oppressive legal and security conditions, is both unreasonable and inconsistent with the spirit of the Refugee Convention.

**10. Mr MR ILH (No Well-Founded Fear of Persecution)**- The asylum claim was refused due to no well-founded fear of persecution arising from inconsistent statements. In the screening interview, the Claimant stated that he feared his boss, who apparently abducted and tortured him over an accusation of stealing a boat. However, in the substantive asylum interview, he stated that it was the Special Task Force who abducted, beat, and tortured him for helping the LTTE. When asked if there was anyone else, he feared in Sri Lanka, he said no. These variations and contradictions in his accounts were considered to undermine his credibility, leading to the refusal of the claim.

## 10.1. Our Comments

In this case, the applicant is a Sri Lankan Tamil, and the refusal letter acknowledges that the basis of the claim is imputed political opinion. Despite this, the claim was refused on the basis that there was no well-founded fear of persecution. In asylum cases, a lower standard of proof is sufficient to establish eligibility for refugee status. In some instances, the Home Office appears to apply a higher evidential standard than required, which can result in unsafe decisions. If such cases are appealed to the Immigration Tribunal, the proper lower standard of proof can usually be demonstrated, and the claim accepted. Unfortunately, in this client's case, the Home Office is seeking to certify the refusal to deny the applicant the right of in-country appeal, thereby preventing him from taking the matter to the Tribunal. This denial of appeal significantly limits the applicant's ability to have a fair and independent review of his asylum claim.

**11. Mr SK** - The asylum claim was refused by the Home Office on multiple grounds, including several alleged internal inconsistencies in the claim, inconsistent submission of medical evidence, and a perceived lack of detail. The Home Office highlighted discrepancies in the Applicant's narrative, particularly regarding the specifics of persecution incidents allegedly suffered at the hands of the AAVA Gang. The Home Office also questioned the medical documents submitted, noting that they did not indicate forgetfulness or cognitive impairment, despite the Applicant claiming such difficulties in the initial stages. Additionally, an incident report dated 09.10.2025, documenting harassment by the AAVA Gang, was reportedly for a date on which the Applicant could not have been in Sri Lanka. The Home Office further concluded that there was no well-founded fear of persecution, reasoning that the AAVA is a non-state actor and citing reports of state action against the group to suggest that the Applicant would receive adequate protection from Sri Lankan authorities. In doing so, the authorities also

referenced unrelated population statistics about Tamil communities to undermine the Applicant's account of persecution.

### 11.1. Our Comments

In our view, Home Office decisions heavily and mechanically rely on alleged internal inconsistencies in the Applicant's account and purported issues with medical evidence, without properly considering the context in which the asylum seeker provided these statements. Many asylum seekers are trauma-affected, unfamiliar with formal interview procedures, without legal representation and may experience stress or cognitive difficulties, which can affect how they recount incidents. Dismissing inconsistencies or perceived lack of detail without seeking clarification or allowing legal representation constitutes an unfair approach and is inconsistent with Home Office guidance and established case law. Home Office also has the habit of citing unrelated statistical information about the Tamil population in Sri Lanka while failing to assess the risk to an individual in a particular case. Lastly, the decision assumes that the AAVA is a non-state actor and that the Applicant will therefore receive adequate protection from Sri Lankan authorities. This assumption is flawed. There is credible and publicly available reports, literature and NGO research material indicating that the AAVA has links to Sri Lankan military intelligence and has been involved in targeting and exploiting Tamil individuals. The Home Office failed to consider this evidence and its direct relevance to the Applicant's personal risk, which undermines the safety of risk assessment. It appears that the Home Office has selective reliance on material which supports a refusal while failing to properly engage with the country evidence and the prevalent security dynamics.

#### • Loading an appeal and preparing the hearing:

The Home Office has engaged in malpractice by sending refusal letters to Migrant Help or other accommodation providers before serving them to the client or their legal representative. This practice raises serious concerns regarding data protection and

client confidentiality. In some cases, asylum seekers have been made homeless prematurely by accommodation providers acting on these letters. Established case law confirms that a refusal letter is only valid once it has been properly served to either the asylum seeker or their legal representative. The Home Office's failure to adhere to this principle reflects a disregard for legal requirements and procedural fairness.

Another issue is that the Home Office sometimes finalises decisions several months in advance but does not notify the asylum seeker or their representative. Meanwhile, third parties such as the NHS, GP practices, Migrant Help, or local authorities may request information, and the Home Office may disclose that the application was refused. As a result, the asylum seeker may be incorrectly categorised as an overstayer, creating further legal and practical difficulties.

In our experience, many asylum seekers are now accommodated in remote areas, making it difficult for them to access legal representation through Legal Aid. Volunteer organisations providing support often struggle to secure timely legal assistance after a refusal. This situation places significant pressure on Legal Aid providers, particularly those based in the Southeast of England, who must prepare appeals at very short notice. Additionally, many asylum seekers cannot afford to travel to meet their legal representatives in person, further complicating their ability to provide instructions and participate meaningfully in their case. Overall, the combination of limited legal aid availability, remote accommodation, and Home Office procedural mismanagement undermines access to justice and the fairness of the asylum process.

12. Mr RR - The asylum claim was refused based on several alleged inconsistencies. The Home Office noted that the Applicant stated during the substantive interview that they feared the police, which had not been mentioned during the screening interview. It was also observed that the Applicant later

claimed to be a supporter of the Tamil National Alliance, despite not referring to any such political affiliation at the initial screening stage. Furthermore, the Home Office asserted that the Applicant failed to provide medical evidence or other supporting documentation to substantiate the claimed fear of Pillayan. These factors were relied upon in concluding that the Applicant's account lacked credibility and that there was no well-founded fear of persecution.

### 12.1. Our Comments

In our opinion, the refusal decision places disproportionate reliance on alleged inconsistencies while failing to properly assess the core of the Applicant's claim. The central basis of the claim is the Applicant's fear of Pillayan arising from his brother's recruitment and subsequent killing. The alleged inconsistencies namely, the Applicant's reference to fearing the police and his later mention of support for the Tamil National Alliance are not entirely material to the core claim. The screening interview is intended to capture preliminary information, not a detailed account of every aspect of an asylum claim. Differences between the screening and substantive interview should be approached with caution and within context by the Home Office. Furthermore, the refusal criticises the absence of medical and other supporting evidence. It is well established that asylum seekers often face practical and safety barriers in obtaining documentation from their country of origin, particularly where non-state actors and politically connected individuals are involved. The evidential timeline should be applied with flexibility, and applicants should be permitted to submit further supporting documentation at the appeal stage. The Tribunal process exists precisely to allow a full and fair reassessment of the evidence.

#### • *Appeals and determination*

If an asylum claim is refused, the applicant generally has a right of appeal to the First-tier Tribunal (Immigration and Asylum Chamber) under the Nationality, Immigration and Asylum Act 2002. The Tribunal

reassesses the facts and legal arguments and may consider relevant and up-to-date country guidance cases, including those concerning Sri Lanka and risk categories for Tamils. If the appeal is unsuccessful, further appeals on points of law may be made to the Upper Tribunal, and, with permission, to the higher courts. Throughout the determination process, the tribunal or court evaluates whether the applicant meets the definition of a refugee under the 1951 Refugee Convention or qualifies for humanitarian protection or protection under the Human Rights Act 1998, particularly Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment.

#### Appeal Process:

Usually, when home office refused asylum cases then there could be two types of refusal one is with in-country appeal rights and the second one is the without the in-country appeal right. Generally, Sri Lanka who claimed asylum given right of appeal when the asylum claim got refused however or Indian nationals or other nationals whose country is in safe country list their asylum claim refused without the appeal rights. If the person is given appeal right, then the asylum seeker must lodge the appeal within 14 days of the asylum refusal delivered to the asylum seeker or his/her legal representative. However in practice home office have a habit of making the decision few months earlier and delivered later even some occasions they inform other officials like NHS, Migrant help or other officials before issuing the decision to particular client or their legal representative this will create problem to the particular asylum seeker because he/she could be treated as an overstayer. Also, immigration tribunal may refuse to accept as an intime appeal all these issues have to be dealt by the asylum seekers legal representative.

Once the appeal is lodged normally the hearing date will be later 10 to 12 months. During this time the appellant and his legal representative must prepare the case by taking witness statement gathering documentary evidence obtaining relevant experts report with other arrangements in practice many asylum seekers approaching us at the final stage this will become harder for us to do the preparation properly on

time. The legal representative may have to submit the fractionated bundle to the court and home office two weeks before the hearing and the legal representative may have to arrange for a barrister to attend the hearing on the day during the hearing immigration judge will hear the case and the appellant barrister will present the case file then asylum seekers entitled for refugees status while home office presenting officers will log you by this person is not a refugee after the hearing the arguments and considering the evidence judge will make the decision normally in 4 to 6 weeks' time. However certain circumstances if judge can't make the decision within 3 months, then another hearing may be required. If the judge accepted the appellant reason for his/her asylum claim then the appeal is most likely going to be allowed if the judge not accepted the persons claim then the asylum appeal may be dismissed with appeal, appeal rights which leads to negative then the appellant his/her legal representative had 14 days' time limit to lodge an appeal against the immigration judge decision with permission to appeal to tribunal if the grounds merited then most likely the appellant case will be heard by the another immigration judge. Sometime some cases may go to higher courts if the justice is denied.

#### **CASE STUDY 1: Mr SI**

The appellant is a citizen of Sri Lanka and of Tamil ethnicity. He states that he left Sri Lanka on 6 October 2018 and, after travelling through and remaining in various countries, he arrived in the United Kingdom on 12 August 2022. He claimed asylum on 13 August 2022, and his screening interview was conducted on the same day. He was subsequently interviewed in relation to his asylum claim on 22 January 2024 and 22 March 2024. His claim was refused by the Home Office on 25 April 2024.

The appellant exercised his right of appeal under section 82 of the Nationality, Immigration and Asylum Act 2002. On 13 May 2024, an appeal submissions summary was filed, arguing that his removal from the United Kingdom would breach the Refugee Convention and be incompatible with the Human Rights Act 1998. It was further submitted that he qualified for humanitarian protection.

The asylum claim was refused primarily on the basis of credibility concerns, including inconsistencies and lack of detail in his accounts.

In his first interview, he stated that he had witnessed a house and vehicle being burned in Manipay town by the Avaa group, and that he was later detained at home and taken to a police station, where he was allegedly beaten while the police sought his evidence. However, in a later account, he stated that he returned home and was detained the following day along with his father by the army. In addition, while he initially claimed to fear only the Sri Lankan authorities, police, and army, he later added that he also feared the Avaa gang. The Home Office relied on these inconsistencies to refuse the asylum claim.

Following the appeal, further evidence was submitted, strengthening the appellant's claim. It was noted that, as he does not appear to hold a valid passport, he would likely require a temporary travel document for return to Sri Lanka. It was further argued that the Sri Lankan authorities would be aware of his return on such a document, and that he would likely be subjected to monitoring or surveillance upon arrival in his home area. On this basis, it was concluded that the appellant is a refugee and that his removal would expose him to a real risk of ill-treatment contrary to Article 3 of the European Convention on Human Rights. The appeal was therefore allowed on asylum grounds, and also under Articles 2 and 3 of the Convention. The appeal was successful on 16 January 2026.

#### **CASE STUDY 2: Mr NT**

The appellant is a Sri Lankan national, born on 1 August 1961, who sought international protection in the United Kingdom on the basis of past persecution and a fear of future harm. He originates from the north of Sri Lanka and comes from a family with links to Tamil separatist movements, including support for the Liberation Tigers of Tamil Eelam (LTTE). During the civil conflict, his family home was confiscated, and he later operated a wood yard in Colombo, where he claims to have sheltered LTTE members. He states that he was detained on three occasions (in 1997, 1999, and 2004), and that during his 2004 detention he was held for approximately ten days, interrogated, and tortured, before being released following the payment of a bribe. Fearing further persecution, he left Sri Lanka on 5 January 2005, travelled to Bermuda on a work visa, and subsequently entered the United Kingdom in September 2008 using false documentation.

Despite arriving in the UK in 2008, he did not immediately claim asylum. He explained that he had been advised that doing so could result in removal to Sri Lanka and therefore remained without lawful status. He eventually claimed asylum on 12 April 2022, following further legal advice and ongoing health concerns. On 5 January 2024, the Home Office refused his claim, primarily on credibility grounds. The Secretary of State argued that there were inconsistencies in his account of detention, that he had not provided documentary evidence of his arrests in Sri Lanka, and that his alleged release following payment of a bribe could not be independently verified. It was also submitted that his political activities in the United Kingdom, including attendance at demonstrations linked to the Transnational Government of Tamil Eelam (TGTE), were low-level and would not give him a profile capable of attracting adverse attention on return. Further, his delay in claiming asylum (2008–2022) was relied upon to damage his credibility under section 8 of the Asylum and Immigration (Treatment of Claimants) Act 2004.

The appellant appealed to the First-tier Tribunal. At the hearing, further evidence was submitted, including a country expert report, medical evidence consistent with past trauma, documentation of his participation in diaspora political activities, and supporting witness statements. The Tribunal considered relevant country guidance, particularly in relation to the treatment of Tamil returnees and the monitoring of diaspora political activity by Sri Lankan authorities. The Judge accepted that corroboration is not required in asylum claims and found that the appellant's core account had remained broadly consistent. The Tribunal further accepted that Sri Lankan authorities continue to monitor and question individuals perceived to have links with the LTTE or Tamil separatist activism abroad.

In a decision dated 29 September 2025, the Judge allowed the appeal. It was found that, to the lower standard of proof applicable in asylum claims, the appellant had established a well-founded fear of persecution based on actual or imputed political opinion. The Judge accepted that he had previously been detained and tortured, that his diaspora political activities were genuine, and that he would face a real risk of detention and ill-treatment on return to Sri Lanka. The appeal was therefore allowed on

asylum grounds, as well as under Articles 2 and 3 of the European Convention on Human Rights, with Article 8 also succeeding on the same factual basis. An anonymity order was made. This case highlights the importance of credibility assessment, expert and medical evidence, and the legal protection afforded to individuals engaged in political expression linked to past armed conflict.

### **CASE STUDY 3: Mrs. DPM**

Ms DPM is a citizen of India, born on 8 May 1953, and currently aged 72. She entered the United Kingdom on 17 December 2015 as a visitor to see her family. She was required to leave the UK by 17 June 2016 but did not do so and subsequently remained in the country unlawfully. She later made a series of applications to remain in the UK, culminating in an asylum claim submitted on 13 December 2019.

A screening interview was conducted on the same day, during which she stated that she could not return to India because she is a Christian and believed she would be at risk due to her alleged involvement in spreading Christianity among Hindu communities, including individuals she described as Hindu extremists. Her substantive asylum interviews took place on 26 February 2021, 14 May 2021, and 8 June 2021. Her claim for international protection was refused by the Home Office on 8 September 2021 on the basis of credibility concerns, including inconsistencies and lack of reliable evidence.

The appellant had a right of appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 and subsequently lodged an appeal with the First-tier Tribunal (Immigration and Asylum Chamber). The appeal was initially listed for hearing on 21 March 2024 but was adjourned at the request of her representative in order to obtain medical evidence regarding alleged impairment of memory and mental capacity. A further hearing listed for 22 July 2024 was also adjourned due to the continued unavailability of the medical evidence. Following case management directions, a new hearing date was set for 6 January 2026.

It is noted that the appellant did not claim asylum until December 2019, nearly four years after her arrival in the United Kingdom, following the refusal of an application for permission to apply for judicial review. The delay in claiming asylum

was relied upon by the Secretary of State as damaging to her credibility. The refusal decision also relied on inconsistencies in her account of risk on return. On 14 January 2026, the appeal was dismissed by Judge T.J. Cary of the First-tier Tribunal on asylum, humanitarian protection, and human rights grounds. An anonymity direction was made.

### **CASE STUDY: Deportation Appeal of a Sri Lankan National**

This case concerns a Sri Lankan national who is appealing a deportation decision made by the Secretary of State for the Home Department. The appellant originally arrived in the United Kingdom and at some stage claimed asylum, although the exact date of arrival and the outcome of the asylum claim are not specified in the provided extract. It is understood that he does not currently rely on the Refugee Convention in this appeal, meaning he is not arguing that he faces persecution in Sri Lanka. Instead, his case is based on human rights grounds.

The appellant is currently serving a prison sentence in the United Kingdom, with his earliest release date being 20 February 2026. Following his criminal conviction, the Home Office decided to deport him. The appeal concerns whether deportation would breach his rights under Exception 2 of the Nationality, Immigration and Asylum Act 2002 (NIAA 2002), whether there are “very compelling circumstances” sufficient to outweigh the public interest in deportation, and whether removal would breach Article 3 of the European Convention on Human Rights (ECHR) on medical grounds.

The procedural history shows that the appeal had previously been adjourned to allow further preparation. The appellant’s legal representatives served documents late (9 September 2025), despite an earlier deadline of 15 August 2025 set by Judge Head. An application to adjourn was made shortly before the hearing on the basis that the appellant’s representatives wished to instruct an independent social worker. This application was refused by Judge Farmer on 10 September 2025.

At the substantive hearing before Judge on 11 September 2025, the appellant did not attend. His counsel informed the Tribunal that the appellant was unwell and had reportedly been advised by his GP not to attend, although no medical evidence was provided. Concerns were also

raised about the quality of a psychological report, the absence of GP records, aspects of the sentencing remarks, the scope of a restraining order, and the availability of the appellant’s wife as a witness.

Although the Tribunal was not persuaded that a further adjournment was justified on those grounds alone, the respondent indicated that additional important evidence including the OASys report, court extract, and Police National Computer (PNC) record was ready to be served. In the interests of fairness and justice, the Tribunal adjourned the matter again to allow the appellant an opportunity to respond to that material.

The appeal is now listed for a face-to-face hearing at Hatton Cross on 3 February 2026, with a Tamil interpreter required. Directions were issued for the respondent to serve the OASys report, court extract, and restraining order, and for the appellant’s representatives to file any supplementary evidence by 16 January 2026.

At this stage, the appeal focuses on whether the appellant can demonstrate very compelling circumstances including medical grounds under Article 3 ECHR sufficient to prevent deportation to Sri Lanka.

### **Fresh Claim**

When an asylum seeker has exhausted all appeal rights and is able to obtain new information demonstrating a fear for their life upon return, it is possible to submit a fresh asylum claim under Rule 353 of HC 395. This process is also referred to as a further submission. This route is particularly relevant to many of our clients, as the human rights situation in Sri Lanka is continually evolving, and applicants may be in a stronger position to secure new evidence after residing in the UK for a significant period. Due to the nature of these circumstances, we regularly make this type of application.

### **CASE STUDY:1. Mr JC**

Mr. JC Sri Lankan national, born on 12<sup>th</sup> November 1978. He entered UK on 08/06/2008 and claimed asylum on 09/06/2008, he didn’t have any evidence of lawful entry. Asylum interview was conducted on 20<sup>th</sup> June 2008. Later his asylum was refused on 11<sup>th</sup> November 2008. His appeal was dismissed and several, further submissions were refused until his Human rights claim was refused on 15<sup>th</sup> July 2021. His

nationality was challenged and then he approached us to assist him to make a fresh claim based on his grounds and new evidence. He had a previous solicitor, but he is not satisfied with them, so he came to our office. He submitted his birth certificate, Father's death certificate, Mother's birth certificate, G.S letter from Sri Lanka, Sri Lankan police arrest warrant, TGTE MP letter and photographs, NHS letters, TGTE ID card, Professor Peter and Patrick Linguistic Report as new evidence to make fresh claim.

### CASE STUDY: Ms AV

Ms. AV is a Sri Lankan citizen born on 21<sup>st</sup> October 1984. She has an unmarried partner who was born on 23<sup>rd</sup> November 1976. He is also a Sri Lankan and an asylum seeker. She came to UK on 26<sup>th</sup> June 2010 with a Student Visa. She applied for asylum on 14<sup>th</sup> September 2012 and got refused her asylum claim on 1<sup>st</sup> March 2015 then she made an appeal against her decision of Judge of the First tier Tribunal promulgated on 30<sup>th</sup> March 2021 following a hearing on 16<sup>th</sup> March 2021 by which the judge dismissed her appeal on asylum grounds and on human rights grounds against a decision of the respondent of 29<sup>th</sup> November 2019 to refuse her further submission of 9<sup>th</sup> August 2018. She appealed again to the first-tier tribunal, and her appeal was dismissed following a hearing on 2<sup>nd</sup> February 2018. Her hearing before the Upper tribunal was dismissed on 17<sup>th</sup> October 2018. Leave to appeal to the court of appeal was refused on two occasions and she became appeal rights exhausted. Then we made a fresh claim for her attached with new evidence then she was granted asylum in UK with 5 years leave to remain on 20<sup>th</sup> October 2022.

## EU Casework

Since Brexit, EU free movement law in the United Kingdom has been replaced by the EU Settlement Scheme, which requires EU, EEA, and Swiss nationals (and their eligible family members) to apply for either settled status or pre-settled status in order to continue living lawfully in the UK. The main deadline for applications was 30 June 2021; however, late applications may still be accepted where the applicant can show reasonable grounds for missing the deadline. Under the scheme, individuals who can demonstrate five years of continuous residence in the UK are generally eligible for settled status.

Those who have lived in the UK for less than five years are usually granted pre-settled status until they qualify for settled status.

EU residence certificates and permanent residence documents issued under the previous EU free movement system are no longer valid proof of status and individuals holding such documents were required to apply under the EU Settlement Scheme. After 30 June 2021, EU nationals can still enter the UK, but their right to stay depends on their immigration status under UK immigration rules rather than automatic free movement rights. Applications under the EU Settlement Scheme require proof of identity and evidence of residence in the UK. Many applicants use passports or national identity cards, along with digital evidence of residence. EU nationals and eligible family members must therefore rely on the EU Settlement Scheme rather than previous residence documentation.

In practice, casework often involves assisting applicants to secure either settled or pre-settled status depending on their residence history. Particular issues arise for those with pre-settled status, especially in relation to maintaining residence and access to benefits. In 2024, assistance was provided to a number of applicants in securing status under the scheme, particularly those affected by complications relating to pre-settled status and benefit eligibility.

### CASE STUDY 1:

The client was a Sri Lankan national who wished to settle in the UK through the EU Settlement Scheme. Her husband had already been granted pre-settled status through the Settlement Scheme in early 2021. The client also applied and received a certificate of application in November 2021. Later, she approached us for help and advice on her application in May 2024. We gathered the necessary identity documents and proofs and helped her apply. She was later granted settled status.

## EU Law

Following the United Kingdom's withdrawal from the European Union, EU free movement law ceased to apply at the end of the Brexit transition period on 31 December 2020. EU nationals and their family members who were resident in the UK before 30 June 2021 were

required to apply under the EU Settlement Scheme in order to secure their lawful status and continue residing in the United Kingdom. Under the scheme, individuals who can demonstrate five years of continuous residence are generally eligible for settled status, while those with less than five years' residence are normally granted pre-settled status until they complete the qualifying period. Applications must be supported by identity documents and evidence of residence. Although many EU nationals held residence documents under the previous free movement system, these documents no longer confer lawful status in the UK and therefore required replacement under the Settlement Scheme. The UK's withdrawal agreement also provides certain protections for EU nationals and their family members, provided that they meet the relevant eligibility criteria and application requirements. However, failure to apply within the deadline may create difficulties in evidencing lawful residence, although late applications may still be accepted where reasonable grounds are shown.

Our work in this area involves advising and assisting EU nationals and their dependants in understanding their rights under the post-Brexit immigration framework. This includes support with applications under the EU Settlement Scheme, guidance on residence requirements, and assistance in resolving issues relating to status, gaps in residence, or delayed applications. Many individuals continue to face uncertainty due to the transition from EU free movement rights to the UK immigration system, particularly where there are complex personal or family circumstances. In 2024, support was provided to EU nationals affected by these changes, particularly individuals with pre-settled status who experienced difficulties in accessing welfare benefits and services due to their temporary status. The aim of this work is to help individuals regularize their immigration position and secure their rights within the current UK legal framework.

#### **CASE STUDY 1:**

Mrs. YC came to our office in August 2024 on behalf of her daughter, the applicant, Ms. PK. The applicant was under 18 years of age. We assisted them with their EU Settled Status application, as Ms. PK is an EU national and has lived in the UK for 8 years. Her father had already been granted ILR through the EU Settlement

Scheme. Her application was successful and she was granted EU Settled Status in late 2024.

#### **CASE STUDY 2:**

Client entered the UK in April 2004. He made an EU settlement scheme application. Client had the Residence documentation Date of Issue 15/06/2010 document certifying permanent residence. He was not aware of EU settlement application, so he applied after the deadline. Client had indefinite leave to remain, and the leave was issued in accordance with the EU exit separation agreement.

#### **CASE STUDY 3:**

The client came to the UK in September 2012. She had previously made Family Visit Visa applications in March 2003 and 2007, both which were granted. In June 2021, she applied to the EU Settlement Scheme as she is a French national but was refused on the grounds that she did not provide enough residency evidence. She first applied on 02<sup>nd</sup> August 2023 and was refused, citing her ineligibility. The Home Office stated that there was no evidence to confirm that the client has completed a continuous qualifying period of five years in the UK. She applied again on 22<sup>nd</sup> August 2023, and the application was rejected as late application with no reasonable grounds. The client sent a letter to the Home Office, in September 2023, explaining that she was facing domestic violence in her marriage and her husband did not allow her to keep any documentation in her name. She applied again on 30<sup>th</sup> November 2023 and was refused for the same reason.

### **E - VISA**

The introduction of the UK e-Visa system represents a significant change in how immigration status is evidenced and managed. Under this system, physical documents such as Biometric Residence Permits (BRPs) and visa vignettes are being replaced with digital immigration status linked to an individual's online UK Visas and Immigration (UKVI) account. Many of our service users, particularly migrants, refugees, asylum seekers, and vulnerable individuals, face considerable challenges in understanding and accessing the e-Visa system due to language barriers, limited digital skills, lack

of access to technology, or complex immigration histories.

Our role involves supporting clients to create and access their UKVI online accounts, link their immigration status to the e-Visa system, and ensure their digital records are accurate and up to date. We assist clients in resolving technical issues, correcting errors in personal details or immigration status, and understanding how to prove their right to work, rent, and access services using an e-Visa. This support is essential to prevent individuals from facing difficulties with employment, housing, healthcare, or public services due to an inability to demonstrate their lawful status. The demand for e-Visa-related assistance is increasing, particularly as physical documents are phased out and more services rely on digital status checks. Our intervention helps reduce the risk of wrongful denial of services, exploitation, or immigration enforcement action arising from misunderstandings or system errors. By providing practical guidance and advocacy, we ensure that vulnerable individuals are not disadvantaged by the transition to a fully digital immigration system and are able to maintain and exercise their legal rights in the UK.

## **ENTRY VISA**

### **Family visit visa application (VAF1):**

Another part of our services is to help plan for family visit visa applications however, generally the rate of approval for these applications are low. The common reason being given to applicant's state 'we do not believe you will return to your home country after the six-month visit'. When helping applicant bring their family through the visit visa, we explicitly advise that it is not possible to extend their six-month family visit visa. To make a successful application, there needs to be sufficient evidence that the applicant has regular income in their native country, and they live with other family members in that country or have property or land (with other commitments) to return to back in their native country after six months. Other requirements include bank statement, property register, G.S letter. Whereas the sponsor must provide TP number, pay slip, tenancy agreement and money transfer proof among others.

### **CASE STUDY: FAMILY VISIT VISA:**

Client Ms NN entered the UK on 2 October 2023 on a 3-year Tier 2 Skilled Worker visa to work at Halcyon Days Care Home in Hertfordshire. She holds a Certificate of Sponsorship (Cos) valid for three years and is currently employed full-time, earning £1,800 per month. She resides in rented accommodation in a two-bedroom house in Stevenage. Nishanthy has had a medical condition affecting her right eye since birth. She was previously married in Sri Lanka; however, her husband remarried, and divorce proceedings are currently ongoing. They have one son, aged 11, who is presently being cared for by Nishanthy's parents. Due to their advancing age, they are no longer able to continue caring for the child. Nishanthy now wishes to bring her son to the UK. She approached us on 21 October 2024 for assistance with immigration options, including a PBS dependent child visa. On 13 February 2025, we submitted an application for a dependent child under the Skilled Worker route. However, this application was refused on 11 March 2025, with 28 days granted to apply for an Administrative Review. The Entry Clearance Officer (ECO) stated that both parents must be applying at the same time as the child. It was noted that the father did not submit an entry clearance application to accompany the child. We argued that Nishanthy has sole responsibility for the child, as she is separated from the father and has custody and financial responsibility. Evidence submitted to support sole responsibility included proof of regular financial support, telephone records showing frequent communication, passport stamps evidencing visits, a letter from the child's school confirming that Nishanthy makes all educational decisions, as well as photographs, birthday cards, emails, and letters. An Administrative Review application was submitted on these grounds. However, we have not yet received any update from the Home Office.

### **CASE STUDY: VISITOR VISA**

The applicant is a 79-year-old individual residing in Sri Lanka with his wife, Mrs PS, and his differently abled daughter, SM. His daughter receives financial support from the Sri Lankan government. The applicant earns his income through farming and owns a paddy field, from

which he earns approximately Rs. 1,000,000 per annum. He also holds savings of Rs. 1,343,000 in his bank account and receives approximately Rs. 7,000 in interest. In addition, he is a senior member of the Agricultural Department in his local community. He continues to contribute as a volunteer, and his experience and opinions are valued in community meetings. The applicant wishes to apply for a visit visa to travel to the United Kingdom to visit his daughter, Ms KS, who will act as his sponsor. He intends to spend time with his daughter and grandchildren during his visit. The applicant has strong ties to Sri Lanka. At the end of his visit, he intends to return to continue his farming activities and community involvement. He also has ongoing responsibilities, including managing his paddy land and living with and supporting his wife and daughter. Based on the above circumstances, the Home Office granted the applicant a Standard Visitor visa for a period of six months.

#### **CASE STUDY: (VAF 1)**

The applicant wishes to visit the UK to see her daughter, so her daughter approached us for assistance in applying for a Standard Visitor visa. The applicant's husband resides in Sri Lanka, where he is employed in a grocery shop. The sponsor (the applicant's daughter) is a British citizen who initially arrived in the UK on 15 November 2015 and was granted British citizenship on 20 June 2023. The sponsor now wishes to support her mother's visit visa application to enable her to visit her and her partner in the UK. The applicant currently resides in Sri Lanka, while the sponsor lives in the UK with her partner. The applicant intends to visit the UK for one month to spend time with her daughter and son-in-law. She will return to Sri Lanka at the end of her visit to rejoin her husband, who remains there. The sponsor currently resides in a room within a five-bedroom rented property and has arranged to rent a separate room for her mother during her stay. A letter from the landlord confirming this arrangement has been obtained. The sponsor is employed full-time as a retail assistant, earning approximately £2,000 per month. The sponsor will provide free accommodation and will cover the applicant's travel costs, food, and other related expenses during her stay in the UK. In light of the above, the sponsor respectfully requests that the Home Office grant entry

clearance to the applicant. The sponsor also confirms that the applicant will return to Sri Lanka at the end of the one-month visit and rejoin her husband.

#### **VAF (4A) Family reunion Application**

The purpose of this application is to allow refugees, who have been granted the 5-year refugee status, to reunite with their families from their native country. An applicant does not need to show any required earning or other sponsorship requirement. However, The Secretary of State for the Home Department has recently made a statement regarding changes to the asylum and refugee model in the UK. This includes a pause to the system of family reunions as new rules are being designed and implemented. A significant change so far has been the duration of a successful permission to stay refugee application, which has been reduced from 5 years to 30 months. Unaccompanied children seeking asylum will continue to be given 5 years leave. At the end of the 30-month period, there will be a review.

#### **CASE STUDY 1:**

The client approached us in September 2024 seeking advice on a VAF(4A) application. She had already been granted refugee status with a 5-year leave in October 2019 while her husband was granted refugee status around the same time. The client aimed to reunite with her children who would come to the UK as dependents. As the application was for Family Reunification, the IHS should not apply. However, the system did not let us proceed with the application if the fee was not paid. We were forced to pay the fee and emailed the UKVI Family Reunion Team to inform them of the issue refund. The children's visas were approved in November 2025 and is valid till 2035. We also helped in managing other issues such as providing additional documents, answering the UK Decision Making Centre's follow-up questions and ensuring their son received a valid passport. Currently, we are assisting the client with creating an E-visa account as physical BRP cards have been disbanded.

#### **CASE STUDY 2:**

Mrs.LK approached us in November 2025 for guidance and assistance as she wished to reunite

with her 22-year-old son. The applicant arrived in the UK in April 2024 and claimed asylum at Heathrow Airport. She was granted refugee status in May 2025. She is currently not working and is looking for employment while studying Functional Skills Entry Level 2 at Central Bedfordshire College, Dunstable. She is in receipt of Universal Credit and has applied for Child Benefit. She has a 17-year-old daughter living with her in the UK, who is studying BTEC at Bedford College. Her 22-year-old son lives in Sri Lanka with her parents who are caring for him. He is disabled as he has a hearing impairment in both ears. Usually, the standard refugee family reunion route usually applies to spouses/partners and children under the age of 18. However, an adult child may be able to apply under exceptional circumstances if they can demonstrate that 1) they are not leading an independent life, 2) remain financially and emotionally dependent on the parent, and 3) were part of the family unit before the mother fled the country. At present, a family reunion application cannot be submitted as such applications have been suspended from 4 September 2025 until March 2026. We advised the client to consider alternatively applying under Appendix FM as a child if the relevant requirements are met. We also emphasized that she would need to secure employment to meet the financial requirements for this route or wait until March 2026 to submit a refugee family reunion application.

### **Spouse Entry Visa:**

When a person had a leave and wanted to bring their partner and children then the person needs to make an application for spouse visa entry application which is generally VAF4 application to make successful application the person living in UK need to show they are earning £16800 in the past since mid of 2024 the home office changed the requirement to £29000 per annum. They must submit the 6-month payslip with bank statement birth certificate of children seeking entry, proof of accommodation support after their arrival to stay with A1 English language certificate with health clearance certificate must be submitted with the applicant. In some cases, the other people are on receipt of personal independence payment, may also be able to bring their partner without meeting salary requirements moreover, this language certificate and salary requirements are not applicable for refugee who is seeking reunion with a family member.

### **CASE STUDY:**

The applicant, Mr BN, attended our office on 6 March 2019 seeking assistance with an application to bring his wife, Mrs Selvarupy, to the United Kingdom on a spouse entry clearance visa. He is the sponsor for this application. Mr BN entered the United Kingdom in 2004 as an asylum seeker and was subsequently granted status. He is now a British citizen. He married Miss SS on 10 September 2018 in Karaveddy, Jaffna, Sri Lanka. Following their marriage, the couple lived together until Mr BN returned to the UK. Since then, they have maintained regular contact, and WhatsApp communication records were submitted as evidence of their ongoing relationship. Mrs SY currently resides in Sri Lanka and has successfully completed the IELTS Life Skills A1 test (speaking and listening), meeting the English language requirement. Mr BN has been employed as a Customer Assistant at Tesco since 14 March 2014, earning £18,793.31 per annum. In addition, he undertakes a second job as a Customer Service Assistant at Blakemore & Son Ltd, earning approximately £4,526.94 per annum. His combined annual income exceeds £23,000, thereby meeting the financial requirement. In terms of accommodation, he resides in a three-bedroom property and rents one room at a cost of £500 per month. The accommodation is adequate, and he can accommodate his wife without recourse to public funds. His landlord has confirmed that there is no objection to his wife residing at the property following her arrival in the UK. Considering the above, a request was made to the Home Office to kindly consider the application and grant entry clearance to Mrs SY as the spouse of a British citizen. The Home Office subsequently approved the application and issued a spouse entry clearance visa.

### **DETENTION & DEPORTATION**

In recent years, we have seen many laws effected to increase the power of detention and deportation of migrants. Many of these laws criminalise people, which facilitates easy removal under UK immigration laws; in particular, for arriving in the UK without passports or with forged passports or committing other minor crimes. Domestic violence issues also contribute

to the accused individual facing removal. Therefore, legal representation and court intervention are required to protect an individual's rights. Detention and deportation remain major concerns for many migrants and asylum seekers within our community, particularly those with an insecure immigration status or ongoing applications. Individuals may be detained due to overstaying, refused asylum claims, administrative errors, or lack of access to timely legal advice. Detention often causes significant distress and places individuals at risk of removal without having fully explored their legal options.

Our work in this area focuses on providing urgent advice and intervention to individuals facing detention or deportation. This includes assessing immigration status, identifying any outstanding appeal rights or fresh claim opportunities, and supporting applications for bail, temporary admission, or release from detention. Where appropriate, we assist clients in making further submissions, human rights applications, or judicial challenges to prevent unlawful or premature removal.

We also support individuals and families affected by deportation action, including those with long residence in the UK, family life, or vulnerable circumstances such as mental health issues or risk of harm on return. Early legal intervention is critical in these cases, as delays can severely limit the available remedies. By offering timely advice, advocacy, and referrals where necessary, we aim to protect individuals from wrongful detention and removal and ensure that their rights are upheld throughout the immigration enforcement process.

### **Key legislation**

#### **Asylum and Immigration (Treatment of Claimants, etc.) Act 2004**

Section 2 creates two new criminal offences under s.2(1) and s.2(2)

- 2(1): A person commits an offence if they do not have a valid passport that establishes their identity and nationality/ citizenship at a leave or asylum interview
- 2(2): A person commits an offence if they do not have a valid passport for their dependent child which establishes the child's identity and nationality/ citizenship at a leave or asylum interview

A person does not commit these offences if the interview takes place after the person has entered the UK AND the individual has provided the immigration document(s) to an immigration officer or to the Secretary of State within three days of request (s.2(3))

There are various defences available to an individual charged with a s.2(1) offence if they can prove that:

- They are an EEA national
- They are the member of the family of an EEA national and are exercising a right under the Community Treaties in respect of entry to or residence in the UK
- They have a reasonable excuse for not possessing an immigration document
  - a. 'Reasonable excuse' does NOT include deliberate destruction or disposal of the document, unless it was for a reasonable cause or beyond the control of the person charged with the offence - s.7(a)
  - b. A reasonable cause does not include delaying a claim or increasing the chance of success or on the advice of an agent/facilitator
- They produced a false immigration document and used it as an immigration document for all purposes related to their journey
- They travelled to the UK without possessing an immigration document at any stage

These also apply to offences under s.2(2) if the individual can prove the same for the dependent child. The burden of proving the defence on the balance of probabilities, which is a lower threshold as the defendant only needs to show that their defence is more likely to be true than false.

If a person is found to be guilty of these offences, they shall be liable to

- a. imprisonment for a maximum of two years, or a fine, or both if they are convicted upon indictment
- b. imprisonment for a maximum of 12 months, or to a fine not exceeding the statutory maximum or to both only upon summary conviction

Additionally, note that if a person fails to provide the immigration document to the Secretary of State when requested, it will be presumed that the individual does not have one (s.2(8)).

If a constable or immigration officer reasonably suspects that a person has committed an offence under this section, he may legally arrest the person without warrant (s.2(10)).

Section 3 on the offence of forgery has been replaced by the Identity Documents Act 2010.

Section 4 of the 2010 Act states that it is an offence to possess, with improper intention, an identity document that the individual knows or believes to be false, or if it was improperly obtained or if it relates to someone else. 'Improper intention' includes an intention of using the document for establishing personal information OR intention of allowing another to use it to verify, ascertain or establish personal information. An individual guilty of this offence is liable to imprisonment for a maximum of 10 years, a fine, or both upon conviction on indictment.

Section 6 of the 2010 introduces the offence of possession without reasonable excuse an identity document that is false, improperly obtained or relating to someone else. Additionally, possession (without reasonable excuse) of any apparatus, article or material that has been specially designed or adapted for the making of false identity documents is also an offence. An individual guilty of an offence under this section is liable to

imprisonment for a maximum of two years, a fine, or both upon conviction on indictment.

Alternatively, on summary judgment, they may be subject to imprisonment for a term not exceeding the maximum period, a fine not exceeding the statutory maximum or both. This maximum period will depend on the jurisdiction: 12 months in Scotland, 6 months in Northern Ireland, and the general limit in a magistrate's court in England and Wales.

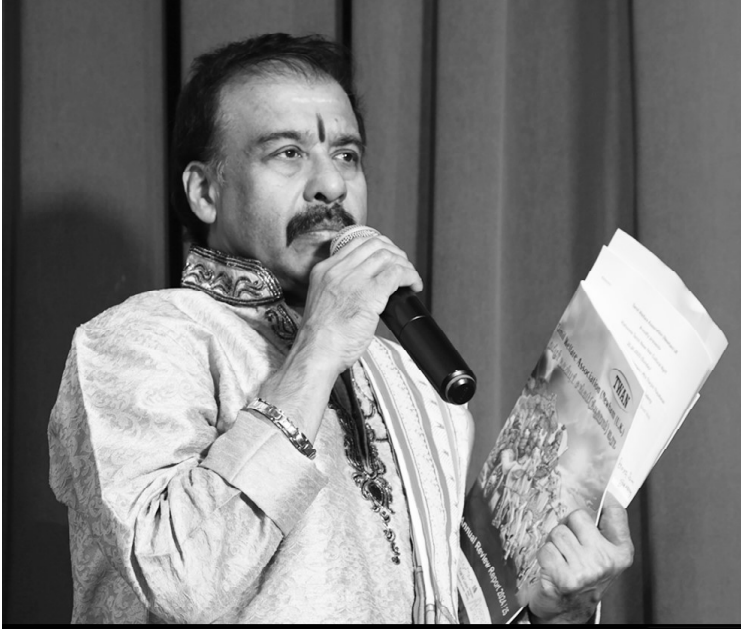
#### **CASE STUDY: Mr BK**

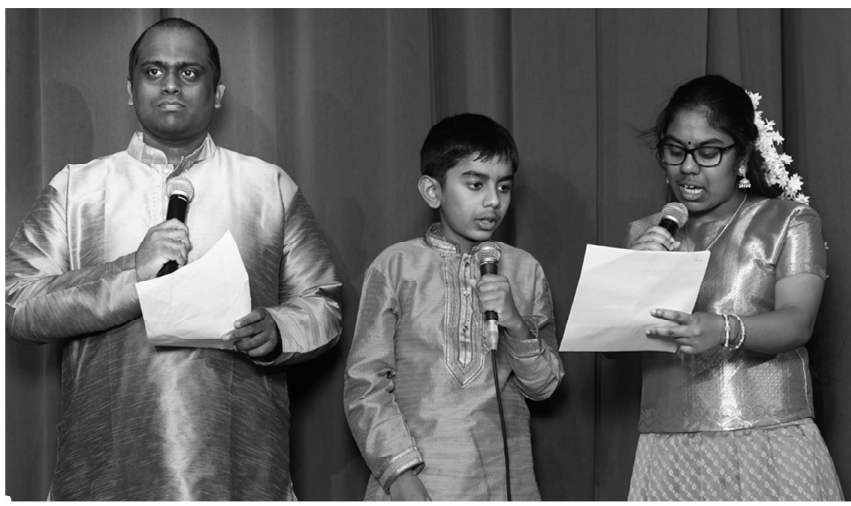
Mr. BK is a Sri Lankan national who claimed asylum in 2004 and was later granted ILR in April 2011. His wife joined him in the UK shortly after and their child was born a British citizen in 2012. In February 2025, Mr. BK was convicted of threatening his wife with a weapon and sentenced to 18 months imprisonment. The Home Office issued a deportation order despite his human rights claim, which TWAN helped him appeal. The Tribunal came to the following conclusions: Mr. BK is not at risk in Sri Lanka, neither Exceptions 1 or 2 apply and there are no compelling circumstances of his deportation that outweigh the public interest. While Mr. BK had a 'genuine and subsisting parental relationship with a qualifying child' under Exception 2, deportation did not meet the threshold of 'unduly harsh'. The judge found no compelling circumstances that outweighed the deportation of foreign criminals in the public interest, especially considering the severity of his offence.



















## **Acknowledgements**

We are delighted to share that our organization has reached a significant milestone with 40 years of dedicated service to the community. Over these four decades, countless individuals, funders, voluntary organizations, and statutory bodies have contributed to our journey and success.

We would like to pay special tribute to our founder members and former committee members/directors, whose vision and commitment during the early years (1985–1986) laid a strong and lasting foundation for the organization. It is our privilege to honor 40 former directors and founder members at this event, in recognition of their invaluable and distinguished service.

We also extend our heartfelt appreciation to our staff, members, and volunteers, who, year after year, have enriched our cultural programs and community activities. Alongside our supporters and partner organizations, they have played a vital role in shaping this successful journey.

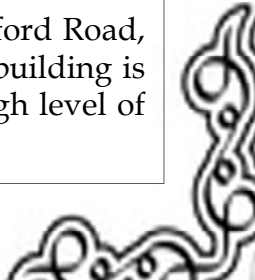
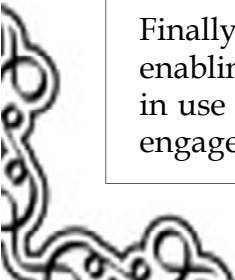
Today, we are proud to present highlights from our history, showcasing how the organization was established and how far it has progressed. We hope this will inspire and inform future generations, helping them understand the dedication, commitment, and achievements that have defined our work.

We are equally grateful for the continued support of our local MP Stephen Timms, MP Uma Kumaran, Mr Thavathuray Jeyaranjan, as well as the priest and community members of the London Sri Murugan Temple, British Red Cross, and other political and media representatives who have supported our ongoing work. We also extend our appreciation to affiliated organizations including Immigration Law Practitioners' Association (ILPA), Joint Council for the Welfare of Immigrants (JCWI), Advice UK, Legal Aid Practitioners Group (LAPG), Electronic Immigration Network (EIN), National Council for Voluntary Organizations (NCVO), Office of the Immigration Services Commissioner (IAA/OISC), and the Bar Standards Board, among others, whose engagement and presence at our events have helped make them truly special.

We would also like to express our sincere thanks to all our funders, not only those supporting us in 2025, but everyone who has contributed over the past 40 years. We extend our deepest gratitude to Trust for London, City Bridge Trust, National Lottery Community Fund, the Legal Aid Agency, London Legal Support Trust, AB Charitable Trust, and the Greater London Authority (GLA), whose contributions have been instrumental throughout our history.

We are also proud to work alongside various consortiums and organizations that provide similar services. Our sponsors include Lakshmi Jewellers, Cakes and Bakes, Sayer Moore Solicitors, Joyalukkas Jewellery, Platinum Lounge, Lucky Centre, Abaranji Silks, and others whose support we greatly value.

Finally, we take great pride in having our own premises at 602 Romford Road, enabling us to deliver services conveniently to our community. The building is in use seven days a week, from 9:00 am to 7:00 pm, reflecting the high level of engagement and the vital role it plays in serving the community.





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