

CHARITY NUMBER: 328729
COMPANY NUMBER: 02513874



ANNUAL REPORT

Trustees' Report and Financial Statements
for the year ended 31 December 2022





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Company number: 02513874

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REFERENCE AND ADMINISTRATIVE DETAILS

TRUSTEES

Elizabeth Anne Mottershaw – Chair
Sir Nicolas Bratza
Kat Lorenz (appointed November 2022)
Yehia Nasir (appointed December 2022)
Constantine Partasides
Peter Reid (resigned October 2022)
John Scampion – Treasurer
Ruth Tanner (appointed December 2022)
Ian Watt (resigned February 2022)

MANAGEMENT EXECUTIVES

Alison Pickup – Director of Asylum Aid
Gareth Holmes – Group Executive Director of Fundraising and Communications
Anne Muthee – Group Director of Finance and Operations
Kerry Smith – Group Chief Executive Officer

CHARITY NUMBER 328729
(registered in England and Wales)

COMPANY NUMBER 02513874
(incorporated in the United Kingdom)

REGISTERED OFFICE AND OPERATIONAL ADDRESS

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INDEPENDENT EXAMINER

Sayer Vincent LLP
Joanna Pittman FCA
Chartered Accountants & Statutory Auditors
Invicta House, 108-114 Golden Lane
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BANKERS

Co-Operative Bank

INTRODUCTION TO ASYLUM AID

Asylum Aid is a committed, professional and collaborative organisation dedicated to protecting people from persecution by providing legal representation and access to justice for refugees and those seeking asylum. It combines this with the role of providing welfare advice to refugees, migrants and other members of the community whose first language is not English.

Our vision is that all those who come to the UK in need of protection from persecution and other forms of human cruelty obtain it, and are treated fairly and with dignity.

At Asylum Aid, we know that good quality legal representation is life-saving for the people we help, and that by working together, we can help more people. We represent vulnerable people, particularly children, survivors of trafficking, torture and gender-based violence, and stateless people. We believe everyone deserves access to protection – and we take on the complex cases that others do not. The organisation also works with others to change policy and practice, to ensure the safety and recovery of people who have suffered some of the worst forms of inhumanity. We share best practice and seek to build capacity through training, second-tier support and the publication of resources.

OUR VALUES ARE A REFLECTION OF HOW WE WORK:

Pursuing Excellence: We strive to be the best we can be in our work. We share what we have learned with others and seek to continuously learn from our clients and others about how we can do better. Where we advocate for changes, we do so on the basis of evidence and experience of what works best.

Courageous: We advocate bravely for the rights of refugees, asylum seekers, survivors of trafficking and stateless people, and we are not afraid to speak out against injustice. We are courageous in the advice we give and we persevere in seeking lasting solutions, undaunted by the barriers we encounter and inspired by the bravery of our clients.

Collaborative: We know that we can achieve more if we collaborate with others. We seek out opportunities for partnerships, for sharing knowledge, and for joint work. We work together as a team and we are open to each other. We listen to our clients and we offer them advice that enables them to get the best outcomes.

Acting with Integrity: We are honest, open, respectful and professional in all our dealings with our clients, with our partners, with the Home Office and other government departments, with the courts and with each other. We fight fearlessly for the best interests of every client without compromising our ethical duties. We are accountable to these values and we bring our whole selves to our work.

Promoting Equality: We believe that all those seeking protection should be afforded equal access to a fair system for deciding their claims and should be treated equally according to their needs. We are committed to promoting equality, diversity and inclusion within our organization and in our dealings with our clients, volunteers and partners.

A MESSAGE FROM THE CHIEF EXECUTIVE OFFICER & DIRECTOR

2022 was an exciting year of growth and development for Asylum Aid, against the backdrop of an ever more challenging external environment. We adopted an ambitious strategy for 2022-2024, setting objectives that seek both to consolidate our focus on delivering expert advice and representation in some of the most complex cases, and to leverage our position and experience to achieve wider systems change. You can read more about our strategic objectives, and the work we have started to do to achieve these, below.

In 2022, we saw the full-scale invasion of Ukraine, triggering the largest refugee flow in Europe since the Second World War; the announcement by the UK Government of the Migration and Economic Development Partnership with Rwanda; the adoption of the Nationality and Borders Act 2022; and a continuing increase in the number of people crossing the channel in small boats, with tragic loss of life. We continued to feel the effects of the Covid-19 pandemic on our staff and clients, and we saw the impact of the cost of living crisis, which has left many of our clients destitute. On top of all of this, the Government's hostile rhetoric towards refugees and survivors of trafficking, and its increasing hostility towards their legal representatives, made what was an already difficult environment even harder to navigate.

Yet despite all of this, we are extremely proud of all that we have achieved in 2022. We are privileged to lead an extremely committed and talented team, whose enthusiasm and courage in representing some of the most vulnerable people seeking protection in the UK is infectious. We have established new partnerships to advise those unable to return to Ukraine and to help tackle rough sleeping through the provision of specialist advice. We have taken legal action to secure fair processes and fair outcomes for refugees faced with being sent to Rwanda under the Government's inhumane policy, and to tackle the delays that leave our clients in uncertain limbo for months or years. And we have continued to provide high quality representation in complex cases.

In some of the hardest moments, we have been buoyed by the support we have received from our supporters: members of the public, including those who contributed to our Crowdfunder campaign to fund our litigation on the Rwanda policy; funders who saw the value of our work, including our corporate partners who contributed their time and energy as well as funding; and colleagues in the sector who continue to share their experiences and ideas, and inspire us in our work. These are challenging times but we know that we are working as part of a collective endeavour to achieve a more positive outlook for the refugees whom we are privileged to work alongside and represent.

Kerry Smith, CEO of Asylum Aid & Alison Pickup, Director of Asylum Aid

STRUCTURE, GOVERNANCE AND MANAGEMENT

ASYLUM AID'S STAFF & VOLUNTEERS: A COMMUNITY EFFORT

Asylum Aid grew during 2022. We started with the full-time equivalent of 8.4 members of staff and ended the year with 11.5, as part of our strategy to sustainably increase impact. We recruited nine volunteers to support our welfare advice service, providing interpreting services, language support and gateway assessments and supporting drop-ins at our offices in Westminster and a local library. We also recruited volunteers to help with administration for the legal service, and a volunteer coordinator for our new Ukraine pro bono project.

MANAGEMENT AND GOVERNANCE

Asylum Aid is a charity in its own right and a wholly-owned subsidiary of the Helen Bamber Foundation – the Helen Bamber Foundation is the sole member of Asylum Aid. The day-to-day management of the charity is delegated to a Management Group consisting of the Group Chief Executive, Director of Asylum Aid, Executive Director of HBF Group Fundraising and Communications, and Director of HBF Group Finance and Operations. The Helen Bamber Foundation Group Finance and Fundraising Committee is composed of Trustees of both Asylum Aid and the Helen Bamber Foundation and includes the Director of Asylum Aid. Management Team members of Asylum Aid and the Helen Bamber Foundation meet at least monthly to provide financial and fundraising, safeguarding and executive oversight.

Our Chair, Elizabeth Mottershaw, was appointed in January 2022. Following further recruitment during the year, there are now seven Trustees of Asylum Aid, three of whom – including the Chair and Treasurer – also serve on the Helen Bamber Foundation Board, to ensure strong governance and joint strategic alignment while ensuring independent decision-making. During the year, Ian Watt and Peter Reid stepped down as Trustees. We are grateful to both of them for the time and support that they gave to Asylum Aid during its transition from our previous home at Consonant and into the Helen Bamber Foundation Group.

New Trustees are recruited externally, and their appointment is approved by Asylum Aid's Board of Trustees and by the Helen Bamber Foundation Group Board. A tailored induction follows, ensuring that each new Trustee has been briefed on Asylum Aid's governance structure and decision-making processes, on their obligations under charity law, and on the activities of Asylum Aid and its financial performance. New Trustees are offered training on their duties as Trustees if required. Trustee meetings are held every quarter.

The organisation is a charitable company limited by guarantee, incorporated on 20th June 1990 and registered as a charity on 24th July 1990.

The company was established under a memorandum of association that established the objects and powers of the charitable company and is governed under its Articles of Association.

During 2022, we completed significant work on our governance and structure to update our objects and to formalise the relationship between Asylum Aid and the Helen Bamber Foundation. The Helen Bamber Foundation is now the sole member of Asylum Aid and, following consultation, consent was obtained from the Charity Commission in August 2022 to adopt new Articles of Association, which were duly adopted on 22 September 2022. These include revised objects and have otherwise been updated and revised in line with charity law and the objects of the Group. The revised objects are as follows:

2.1 The Charity is established for the following purposes for the benefit of the Beneficiaries:

- 2.1.1** to relieve their conditions of need, hardship or distress (including by providing them with legal advice and representation);
- 2.1.2** to preserve and protect their physical and mental health;
- 2.1.3** to advance their education and training so as to advance them in life and assist them to adapt within a new community;
- 2.1.4** to advance public education about the position of, and issues relating to, the Beneficiaries, including the situations that give rise to refugee movements; and
- 2.1.5** assisting them in such other exclusively charitable ways as the Charity determines from time to time.

2.2 In this Article 2, “Beneficiaries” means individuals who:

- 2.2.1** are seeking asylum or other forms of protection in the UK;
- 2.2.2** have already been granted refugee status, humanitarian protection or other forms of protection status by UK immigration authorities;
- 2.2.3** have insecure immigration status or are stateless;
- 2.2.4** are vulnerable to destitution, exploitation, abuse, trafficking or other forms of human cruelty including, but not limited to, those outside their country of origin; and
- 2.2.5** the dependants of those mentioned in Articles 2.2.1 to 2.2.4 above.

We are grateful to our lawyers at Bates, Wells and Braithwaite for their advice and assistance with this process.

All Trustees give their time voluntarily and receive no benefits from the charity. No expenses were reclaimed from the charity during the year.

This report is for the twelve-month period from 1st January 2022 to 31st December 2022.

A MESSAGE FROM THE CHAIR OF TRUSTEES

When a person arrives in the UK having fled persecution or cruelty, or when they have been trafficked here and manage to escape their traffickers, they are faced with a frightening, confusing process: interviews with officials followed by complex decision letters written in English; then, if they are not granted protection, they may be able to appeal to a tribunal – they will usually have to give oral evidence and be cross-examined; sometimes tribunal judges get it wrong, and there may be further appeals to more senior tribunals and courts. This is the context for Asylum Aid's vital work of providing legal representation, which helps support individuals navigating this complex process.

I joined Asylum Aid as Chair of Trustees in January 2022 and would like to pay tribute to the impressive and exciting work carried out by the team this year. In 2022, the team provided legal representation to more than 130 individuals, all complex cases and highly vulnerable people. Asylum Aid also seeks to influence the process itself and in 2022 this work included its legal challenge to the proposal to remove asylum seekers to Rwanda – something likely to have an impact on thousands – as well as work on the Nationality and Borders Act 2022 and seeking to improve access to legal advice. Also in 2022, the organisation established new ways of sharing its expertise with other professionals, in order to maximise its impact.

In 2022, 74,751 people applied for asylum in the UK; 5,242 of them were unaccompanied children. By spring 2023, the backlog of unresolved cases stretched to more than 160,000. Many asylum seekers spend years in limbo, waiting for a decision from the Home Office, or for their appeal to the Tribunal to be heard. During this time, they are usually unable to work and cannot move on with their lives; nor can they be joined by – or travel to see – family they have left behind. In this context, I truly believe that Asylum Aid offers a unique and far-reaching approach – and that, now more than ever, it is essential.

Under the leadership of Alison Pickup and Kerry Smith, the organisation's strategic plan for 2022-2024 provides a framework for sustainable growth and extended impact. I am confident that the organisation will continue to provide essential legal representation in the most complex of cases whilst finding innovative ways to share its expertise and to challenge government policy.

Elizabeth Anne Mottershaw, Chair, Asylum Aid

ASYLUM AID ACTIVITIES

ASYLUM AID STRATEGY 2022 – 2024

Following a period of consolidation after Asylum Aid moved from its previous home at Consonant in August 2020, in 2022 we set out our strategy for our work from 2022-2024. Following consultation with staff, Trustees and colleagues in the sector we adopted a new statement of our vision, mission and values, and identified five strategic objectives for the next stage of our organisation's life, to the end of 2024.

Our vision is that all those who come to the UK in need of protection from persecution and other forms of human cruelty obtain it, and are treated fairly and with dignity.

OUR MISSION – WHAT WE DO



OBJECTIVES FOR 2022-2024

1. Strengthen and grow our capacity to deliver expert advice, direct legal representation and casework in the most complex cases, enabling more survivors of human cruelty to secure legal status and meaningful protection
2. Working in partnership with others, build capacity across the immigration advice sector to deliver expert advice and representation in complex cases
3. Increase our capacity to engage in policy advocacy and strategic legal work to make the asylum system fair and dignified, and to improve access to effective and quality advice for those seeking protection
4. Achieve financial sustainability with reserves of between 3 to 6 months by 2024
5. Ensure that Asylum Aid is a friendly, inclusive and supportive place to work where each member of the team feels valued and able to develop to their full potential

I. INCREASING ACCESS TO PROTECTION: OUR CASEWORK

This year has seen some modest growth in our casework team and its capacity: we have increased our team by 1 full time caseworker and 1 full time supervisor. During the year we also hosted two trainees on secondment from the Joint Council for the Welfare of Immigrants. The trainees spent four months on secondment at Asylum Aid, gaining exposure to our approach to casework. This contributed to both increasing our capacity and sharing best practice with our partners in the sector.

We have continued to focus on the most vulnerable: children, survivors of torture, trafficking and gender-based violence, and homeless people. In the period between 1st January 2022 and 31st December 2022 the team provided legal representation to over 130 refugees and people seeking asylum, many of whom were survivors of trafficking, torture and gender-based violence, and 23 stateless persons. As a result of growth in the team, we were able to take on 81 new clients during the year and we also facilitated access to advice for 28 clients through our Ukraine project. Thanks to the hard work of our expert team of caseworkers, 53 of our clients were granted protection during the year, and 15 clients were recognised as victims of trafficking. 79% of initial decisions we received from the Home Office were grants of status (slightly above the national success rate of 76%), and an additional 20 clients were granted protection following an appeal or judicial review proceedings. The team also provided welfare advice to more than 870 individuals through the Westminster Advice Services Partnership.

CHILDREN

During 2022, around a fifth of Asylum Aid's clients were children, many of whom were also survivors of trafficking. Unaccompanied minors frequently find it difficult to obtain good quality legal representation because their cases are often complex, as many involve histories of trafficking or other trauma, and in all cases they are coping with the strain of family separation. This inevitably requires extra work and time for which payment is not usually received until the closure of their case.

Working with children has been particularly challenging over the last few years, due to increasing delays in Home Office decision-making, despite the priority supposed to be given to children's cases. Our approach is to take the necessary time that each child requires to tell their story; to work collaboratively with their support networks; and to challenge delays and poor quality decision-making by the Home Office.

BENJAMIN

When he was only 15, Benjamin and his mum were targeted by the authorities in his home country after attending a political demonstration. His mum went into hiding and arrangements were made for Benjamin to leave the country; Benjamin has had no further contact with his family since then, and no knowledge of what happened to his mum. He was then trafficked to the UK where, upon arrival, he was taken directly to a house where he was forced to cultivate cannabis plants. Benjamin was kept in the house for more than a year; the windows of the house were boarded up so there was no natural light, he was not permitted to leave at any point, and he had only limited contact with others. Eventually, Benjamin was able to escape the house where he was being held and he boarded a train to London. He later claimed asylum and was referred into the National Referral Mechanism on account of his experiences of trafficking and modern slavery.

We started working with Benjamin on his case, taking a detailed witness statement from him and obtaining expert reports to support his asylum and trafficking claims. Despite Benjamin's vulnerabilities and his diagnosed mental health conditions, which stemmed from his experiences as a child, it took the Home Office two years to accept his trafficking claim, and recognise that he was a victim of trafficking and modern slavery. It then took a further four months for the Home Office to make a decision on his asylum claim.

Despite the Home Office accepting that Benjamin was trafficked to the UK as a child and forced to work in a cannabis factory, his asylum claim was refused as it was stated that he could safely return to his country of origin. We worked with Benjamin to appeal this refusal and a judge at the First-tier Tribunal allowed his appeal on all grounds.

Benjamin was eventually granted asylum and accepted as a child victim of trafficking.

We have seen increasing numbers of children being age-disputed, often following a cursory assessment by immigration officers. This results in children being wrongly treated as adults, placed in adult accommodation and without the additional support and care that they so desperately need. We have expanded our legal service this year to include directly challenging these age assessments, supporting children to request assessments by specialist social workers and bringing judicial review proceedings where needed. We have also been working collaboratively with a group of other charities and lawyers to develop legal strategies for challenging the Home Office's approach to assessing age.

SURVIVORS OF TRAFFICKING AND TORTURE

During 2022, around a quarter of Asylum Aid's clients were survivors of torture and/or trafficking, who often find it difficult to obtain good quality and timely legal representation because of the impact of their experiences on their mental health and the frequent complexity of their cases. At Asylum Aid, we understand that the experience of torture and/or trafficking can impact survivors' ability to give a coherent and chronological account of the experiences that led them to seek asylum because of the impact of trauma on memory. Through our link with the Helen Bamber Foundation, which developed the Trauma Informed Code of Conduct, our entire legal team is trained in working in a trauma-informed way with survivors of torture and trafficking, to ensure they can give the best account of their claims. We obtain medical evidence to document the torture and other abuses our clients have experienced and we support them to access therapy and other support to manage the consequences of their trauma during the asylum process.

MAY

May is an asylum seeker whose nationality is disputed. She was born in Eritrea and believes herself to be Eritrean, but the Home Office considers her to be Ethiopian. She came to the UK in 2011 and claimed asylum. Her initial application was refused, her appeal dismissed, and her subsequent four further submissions rejected without a right of appeal. The Home Office did not accept that her life would be in danger in Eritrea, and did not consider her to be at risk if removed to Ethiopia. She struggled to find legal representation to make a judicial review application, which was her only legal remedy. We assisted her with making an application for judicial review, challenging the Home Office's refusal of her fresh application for asylum on the basis of the department's failures and flaws in the decision-making process. The judicial review application was successful: the Tribunal granted permission on all grounds and the Home Office agreed to reconsider its decision to refuse May's asylum and to make a new decision.

We also assisted May in her modern slavery claim. Despite disclosing clear indicators that she had been subjected to labour exploitation as a child in her Home Office interview in 2011, May had not been identified as a victim before she was referred to Asylum Aid. We ensured that she is referred into the National Referral Mechanism, and she subsequently received a positive initial decision on her trafficking claim. She is receiving necessary support as a potential victim of human trafficking.

STATELESS

In 2022, about a fifth of Asylum Aid's clients were stateless persons. Having no recognised citizenship of any country, and no proof of identity, stateless persons are frequently destitute and very vulnerable to trafficking and other forms of exploitation. Asylum Aid is one of the few organisations that dedicate caseworker time to supporting individuals to make statelessness applications under Part 14 of the Immigration Rules – the statelessness procedure that Asylum Aid successfully petitioned the Home Office to put in place. It often takes one to two years to gather the evidence necessary to make the representations and we are seeing increasing delays in receiving a decision after we submit all necessary evidence. In 2022 one of our first clients to have been granted stateless leave had his leave extended for another five years, and another client, Tegist (whose case is described below), was granted stateless leave after many years of living in limbo in the UK.

Our stateless project works in partnership with 11 corporate law firms, whose lawyers provide their time for free to work with our caseworkers in building the case for each of our clients. This requires detailed investigation, as the Home Office will only recognise a person as stateless and grant them leave if it accepts that they have taken all reasonable steps to obtain recognition as a national of, and/or admission to, countries with which they have a connection. We are very grateful to the firms for their continuing support – both financial and practical – for this vital work. The firms that worked with us in 2022 are: Akin Gump, Ashurst, Cooley, Dentons, Freshfields Bruckhaus Deringer, Latham & Watkins, Morrison & Foerster, O'Melveny, Orrick, Reed Smith, Skadden, and White & Case.

TEGIST

Tegist was born in Eritrea, but at a very young age was taken to Ethiopia by a couple who were not her parents but acted as her foster family. Tegist has no knowledge of what happened to her parents or their whereabouts. She lived in Ethiopia with her foster family until around 2000 when, following a campaign of mass expulsion of Eritreans and Ethiopians of Eritrean descent, she was detained pending deportation to Eritrea. She managed to escape and travelled through several countries before reaching the UK on 16 October 2012.

Tegist claimed asylum on 17 October 2012. Over the next six years, her claim was refused, reconsidered, refused again, and then her appeal was also unsuccessful. She became appeals rights exhausted in 2018. Asylum Aid took on her case in late 2021, working with lawyers from Freshfields. An application for statelessness leave was submitted in May 2022. In October 2022, 10 years after her arrival, Tegist was granted statelessness leave in the UK and was able to start her life again.

II. BUILDING CAPACITY TO PROVIDE PROTECTION IN COMPLEX CASES: OUR PARTNERSHIPS

This year, we developed three new partnerships and began delivering through two of them.

UKRAINE: A LIFELINE FOR PEOPLE STRANDED IN THE UK

Russia's full-scale invasion of Ukraine on 24 February 2022 triggered one of the largest flows of refugees since the Second World War. While the majority of Ukrainian refugees were hosted in neighbouring countries such as Poland, we recognised an immediate need to respond to the crisis here in the UK. Through two new partnerships, we rapidly increased our capacity to respond to this emerging need and ensure that Ukrainians in the UK could access expert advice.

Pro bono lawyers from each of our five corporate partners – DLA Piper, Eversheds, Orrick, White & Case and Reeves & Miller – are providing expert advice to Ukrainians and their family members in the UK, as well as former long-term Ukraine residents unable to return to the country as a result of the conflict. Under supervision of an immigration expert, Stephane Gentili of Gentili Stark Solicitors, the lawyers give detailed pro bono advice on the three schemes established by the Home Office for Ukrainians to regularise their status, and on the benefits or disadvantages of these schemes as against applying for asylum. They will also help to submit an application under one of the schemes, for which no legal aid is available, where the client chooses this route. Since its inception, in 2022 this project provided advice to 27 cases, including at least 49 individuals. Detailed advice letters covered a wide range of topics including asylum claims, different routes to regularising status of both adults and children, and procedure and processing times. At least five clients have been granted status under one of the Ukraine schemes following our involvement. Following its success, the project has been extended for another 12 months.

We were also lucky enough to partner with the Good Law Project to establish a new asylum and protection caseworker post to increase our capacity to provide specialist advice on protection claims in response to the increased need for advice as a result of the conflict. Since September 2022 we have been able to provide expert representation to six Ukrainian clients (four of whom were referred from the collaborative pro bono project), as well as a dual Ukrainian/Russian national and two Russian clients. One of the Russian clients and his family were granted asylum and one of the Ukrainian clients has been granted humanitarian protection.

We have used this focus on Ukrainian cases to inform policy work around the protection and support needs of those stranded in the UK as a result of the conflict in Ukraine. We are pressing for Ukrainians to be granted humanitarian protection status without interview where it is clear that they would be at real risk of indiscriminate violence if returned to Ukraine. This will often be a better option for Ukrainian clients than obtaining status under one of the bespoke schemes because of the possibilities it offers for family reunion and a route to settlement.

TACKLING ROUGH SLEEPING

In October 2022 we began work under a new partnership with the Refugee and Migrant Forum of Essex and London (RAMFEL), as part of their work to provide immigration advice to rough sleepers and people at risk of rough sleeping. The provision of immigration advice to regularise their immigration status can provide a route out of homelessness for rough sleepers by enabling them to get access to accommodation and financial support while applications are pending, and eventually by regularising their stay to access housing, benefits and look for work. Rough sleepers and those at risk are often very vulnerable (50% of those referred to us have significant mental and/or physical health issues, and the group includes clients with a history of trafficking or exploitation and abuse in the UK), plus their cases are often particularly complex and intractable with long histories of rejection by the immigration system. All of this contributes to a spiral of vulnerability. Under the partnership, Asylum Aid will take up to 30 referrals a year to investigate eligibility for legal aid in asylum, humanitarian protection, trafficking, statelessness and complex human rights cases.

INCREASING CAPACITY THROUGH TRAINING AND REMOTE SUPERVISION

During 2022, we focussed on exploring ways for Asylum Aid to support capacity-building across the immigration advice sector. We worked with Refugee Action and the Justice Together Initiative to develop a proposal for a model of remote supervision, training and peer support to increase capacity to deliver expert advice in a sustainable way. At the end of 2022, we secured a grant from the Justice Together Initiative for a three-year pilot project, starting in 2023, to pilot and test this model.

WELFARE ADVICE SERVICES PARTNERSHIP

The team provided welfare advice to more than 870 individuals through the Westminster Advice Services Partnership. Asylum Aid's welfare advice team specialises in providing advice to migrant communities in Westminster, many of whom do not have English as a first language. Our advisers and volunteers are multilingual and we work with volunteer community interpreters. In 2022, at least 80% of those receiving welfare support from Asylum Aid were either migrants and/or people of colour and 45% had a disability or long-term ill health. In more than 70% of cases, advice was given in a community language, the predominant one being Arabic. During 2022, Asylum Aid has secured more than £962,000 in additional support for its clients.

III. ADDRESSING INJUSTICE IN THE SYSTEM: STRATEGIC LEGAL WORK AND POLICY ADVOCACY

At Asylum Aid, we know that our work can achieve greater impact if shared beyond those whom we directly help. Asylum Aid has a long history of successful policy change work based on the evidence and testimony of our clients. It continues to be Asylum Aid's responsibility and mission to use the expertise we've gained through working with clients to encourage others to take on complex cases and to deliver a humane and effective system both for individuals seeking refuge and for survivors of trafficking. Our relationship with the Helen Bamber Foundation further amplifies our voice and enables us to draw on the Foundation's expertise in working with survivors of trafficking, torture and other severe human rights violations.

Throughout 2022, we continued to participate in policy influencing forums, despite having no dedicated capacity for doing so. We have contributed to the work of the Refugee and Migrant Children's Consortium, the Immigration Law Practitioners Association, and the European Network on Statelessness (including contributing to a submission to the Universal Periodic Review); and we have attended stakeholder meetings with the Home Office on statelessness, decision-making, access to legal advice, equalities and children. We have used our experience to support our colleagues at the Helen Bamber Foundation in developing policy positions on issues such as access to legal advice in 'quasi-detention' settings. Going forward, we will develop our systems for monitoring trends in our casework so that we can identify emerging issues and provide robust evidence to support our policy influencing and campaigns.

We also know that we have a lot to share with fellow practitioners in the refugee law field from our experience working on complex cases and with survivors. We continue to host the Refugee Legal Group, a Google group with more than 1500 members that is a vital forum for sharing information and support on legal, policy and practical developments in the field. In 2022, we contributed to updating the Best Practice Guide on Asylum and Human Rights Appeals (published at www.ein.org.uk) and in 2023, we will work in partnership with EIN and Doughty Street Chambers to produce a more comprehensive update, reflecting legal changes in 2022 and including new chapters on remote hearings and costs applications. We will develop our resources, training materials and capacity to provide second-tier advice and support to other practitioners.

STRATEGIC LEGAL WORK

We know that sometimes it is necessary to bring litigation to achieve real change for our clients and we want to grow our capacity to do so in a way that makes the best use of our resources to drive system change for the benefit of all those in need of protection in the UK. We also believe in the importance of working collaboratively, sharing information and knowledge with others in the sector to ensure effective deployment of resources.

During 2022, we made significant progress in this area:

Nationality and Borders Act 2022:

With the benefit of a grant from the Strategic Legal Fund, we obtained detailed advice from counsel about the opportunities for strategic legal work to mitigate the worst effects of the Nationality and Borders Act 2022. This work led to our litigation challenging the Rwanda policy (see below) and helped us to identify other areas of priority from within the many changes brought about by the Act. We convened a roundtable of other lawyers at which we shared a summary of this advice and discussed potential strategies. We also discussed and shared strategy at the Strategic Litigation Advice Committee convened by ILPA. We continue to reflect on the outcomes of this work and it will inform our focus and legal strategy in 2023.

Rwanda:

In April 2022, the Home Office announced a policy of relocating ‘inadmissible’ asylum seekers to Rwanda for their asylum claims to be processed there. Rather than the expected policy of “offshoring”, this policy effectively shifts responsibility for considering asylum claims, and providing protection to those who need it, to the Rwandan authorities. We had grave concerns about this policy from the outset, which we believe is inhumane, unjustified and ineffective.

As the policy began to be implemented through April and May 2022, we became increasingly concerned about the way in which the Home Office was rushing people through the system towards being sent to Rwanda. Newly-arrived asylum seekers, often in detention, were given as little as seven or 14 days to respond to a ‘Notice of Intent’ to send them to Rwanda. This impossibly short period was manifestly inadequate for asylum seekers to understand what was being proposed, get effective access to legal advice, and make representations on all the myriad issues raised by the Notice. Once the seven-day period had expired, the Home Office could go ahead and make a series of decisions leading to removal, giving only five working days for asylum seekers to get access to court to challenge their removal.

In June 2022, we commenced judicial review proceedings, arguing that this process is inherently unfair and incompatible with the right to access to justice. We worked collaboratively with other NGOs and lawyers representing individuals threatened with removal, sharing our legal arguments and collating evidence of the unfair outcomes that resulted from this rushed procedure. Our judicial review proceedings were linked with a series of other challenges to the Rwanda policy and heard by the High Court over September-October 2022. Our claim was unfortunately dismissed in December 2022 but were granted permission to appeal, and the appeal was heard between 24th and 27th April 2023.

Delays in the asylum system:

The growing backlog in asylum decision-making that we have witnessed over the last few years has become acute. According to the Home Office’s published asylum statistics, the backlog of asylum seekers waiting more than six months for an initial Home Office decision to be made on their asylum claim has trebled since 2019. At the end of December 2022 (the latest data available published by the Office of National Statistics) 136,522 asylum claims made since 1 April 2006 were awaiting a decision – and of these, 90,970 (67%) had been waiting for an initial decision for more than six months.

Delay is one of the biggest problems encountered by our clients, who face many years in limbo with the uncertainty over their future hanging over them. By December 2022, 31 of our clients had been waiting for an initial decision on their asylum claim for more than six months – and nearly half of those had been waiting more than a year, some as long as three or four years. As well as the serious effects on our clients’ wellbeing and their ability to secure protection and rebuild their lives in dignity, the long delays and uncertainty over when decisions would be taken impacted on our capacity to take on more clients. It is also undoubtedly contributing to the challenges of securing safe and decent accommodation for those waiting for asylum decisions. We therefore identified challenging delays as a priority for our public law work in 2022.

Working together with counsel and our clients, we developed a legal case challenging the Home Office’s systemic failure to comply with the requirement in the Immigration Rules to provide an explanation for a delay of more than six months, and give a realistic timescale for a decision on request. We provided evidence about 22 of our clients to demonstrate the systemic nature of the issue. This claim was issued on behalf of one of our clients in December 2022.

IV. ACHIEVING FINANCIAL SUSTAINABILITY

We are on track to achieve our objective of three months minimum reserves by 2024 following several measures taken to focus on this area. In January 2022, we appointed a part-time billing coordinator who focused on clearing a backlog of legal aid billing and developed efficient systems for billing our legal aid work. We seek to maximise the income from our legal aid work while recognising that without substantial increases in the rates paid by the Legal Aid Agency, it will never be enough to meet the costs of delivering our service. With that in mind, we also worked with the fundraising team at Helen Bamber Foundation to raise funds for our service, and recruited a dedicated Asylum Aid fundraiser, who started in January 2023.

More information about our financial position is provided in the Financial Review below.

V. A FRIENDLY, INCLUSIVE AND SUPPORTIVE WORK CULTURE

We know that the work that our team do with some of the most vulnerable people in the UK asylum system can be extremely challenging and emotionally draining. We aim to provide a friendly, inclusive and supportive environment for our team, where each person who works at or volunteers for Asylum Aid can thrive. We prioritise learning and personal development opportunities for our team, aiming to support sustainable careers.

All frontline staff are provided with monthly group clinical supervision with an external psychologist, to support them in processing the difficult aspects of the work. We have regular face-to-face team meetings and 1:1 supervision sessions, as well as making use of technology to facilitate hybrid working. During 2022, we participated in team building and social events with our colleagues at Helen Bamber Foundation, as well as organising an office spring clean to improve our working environment, participating in the London Legal Walk in June, and hosting a successful Great Legal Quiz in December 2022 to raise money and build our community.

We have invested in developing our team. We supported our billing coordinator to train in casework and pass her casework assistant accreditation exams. We also secured funding to host a Justice First Fellow trainee solicitor starting in April 2023. Our supervisors received management training and we have a programme of internal training which in 2022 included training on the Trauma Informed Code of Conduct, the Nationality and Borders Act 2022, judicial review procedure, and a legal aid refresher.

OUR FUTURE

The adoption of the Nationality and Borders Act 2022, and the Migration and Economic Development Partnership with Rwanda, created significant challenges for refugee protection in the UK in 2022. They were announced in a context of significant delays with a growing backlog of undecided asylum claims, as well as growing concern about the number of people arriving in small boats across the Channel and serious issues with the availability and standard of Home Office accommodation for asylum seekers.

This is the backdrop against which, at the time of writing, the Government has just published the so-called Illegal Migration Bill. For the first time in 25 years since the passing of the Human Rights Act 1998, we are faced with a Bill which the Home Secretary is unable to confirm is compatible with our human rights. UNHCR has condemned the proposals as incompatible with the UK's obligations under the Refugee Convention. It seeks to severely restrict the availability and effectiveness of judicial review as a remedy for our clients and proposes the mass detention of asylum seekers including, for the first time since 2010, the detention of families with children.

Against this extremely challenging policy context, we must maintain a clear-eyed focus on our vision that those in need of protection from persecution and other serious human cruelty in the UK can obtain it, and be treated fairly and with dignity.

Therefore in 2023, Asylum Aid will:

- Increase the number of people we can help directly, especially survivors of trafficking and torture, children and stateless people.
- Ensure that good quality legal advice is provided to those in need of protection, including by building partnerships and sharing best practice with others.
- Develop partnerships to ensure that children and survivors of trafficking and torture who are seeking asylum across the UK, including those held in accommodation centres and detention, have access to high quality legal representation, both remotely and face-to-face.
- Leverage our evidence and experience to challenge regressive policies that seek to undermine human rights and access to justice, and to improve the asylum system and national referral mechanism alongside the Helen Bamber Foundation.

We would like to share one further client story with you:

JOURY

Joury is a highly vulnerable teenager from Kuwait. She suffers from complex physical and mental health conditions, and requires regular blood transfusions due to a severe blood disorder. She came to the UK in July 2021 as an unaccompanied asylum-seeker when she was 16 turning 17 on her claimed age. Shortly after arrival to the UK, her age was assessed by social workers employed by the Home Office, who did not accept she was a child. Following the age assessment, the Home Office treated her as an adult and accommodated her at a hotel for adult asylum seekers in London but did not provide her with any financial support for nine months, until June 2022, despite knowing that Joury had no source of income. She received treatment at a hospital in London very close to her accommodation. She attended the hospital frequently for various medical appointments and blood transfusions, and also started to attend a local college. Despite being aware of her significant vulnerabilities, medical conditions, and treatment received at a local hospital, in April 2022 the Home Office relocated Joury to another hotel in a remote part of London, away from the hospital where she received treatment. Joury had no money and no transportation to attend her medical appointments. Her treatment was disrupted and her condition deteriorated. We worked hard to ensure Joury is relocated back closer to the hospital. Urgent representations were made to the Home Office asking for relocation to suitable accommodation closer to the hospital. When no action was taken by the Home Office, we initiated urgent judicial review proceedings to safeguard Joury and protect her human rights. Our application to the Court was successful and as a result of our legal action, Joury was provided with suitable accommodation within walking distance of the hospital and she was able to continue treatment. She was also provided with back-payments of financial support for a period of nine months. We also assisted Joury in challenging the age assessment.

FINANCIAL REVIEW

FINANCIAL FRAMEWORK

Policies relating to reserves and the need to generate an annual operating surplus together provide a financial framework within which the Helen Bamber Foundation Group, including Asylum Aid, seeks to function.

SUMMARY OF RESULTS

Asylum Aid has had another successful year in 2022, which ended in a surplus. This is as a result of our increasing income from the Legal Aid Agency for work undertaken, our ability to respond to urgent situations and take forward new projects and collaborations, and our fundraising activities. As we go forward, we will need to grow the income generated for Asylum Aid in order to ensure and strengthen our financial stability and fundamentally to support the ambitious strategy to increase the impact of Asylum Aid and the Helen Bamber Foundation Group as a whole.

DESIGNATED CASEWORK IN PROGRESS FUND

Our casework work in progress (WIP) designated fund (£235,541) reflects income that is recognised in our accounts, but which is an illiquid asset that cannot be relied upon as part of our reserves policy. In the majority of cases, we cannot bill for legal aid work until the case is completed (and even where stage billing is possible, we can only recover fixed fees). This means that delays in Home Office decision-making and in hearing appeals, which have increased during, and beyond, the pandemic, have a direct impact on our ability to convert our WIP into cash. As casework is a major source of unrestricted income, we show our WIP as a designated fund in order to avoid misleading funders that these funds are available to invest in our charitable activities. For instance, in 2023, we are currently budgeting to bring in £150,000 cash from Legal Aid work, which represents 64% of our total WIP. However, we recognise that the value of this WIP is a helpful indicator of future legal aid income and helps ensure that the organisation remains a going concern.

RESERVES POLICY

Forming part of reserves, the unrestricted general fund is the working fund of the charity. Unlike the other funds, it is not restricted or designated for a defined purpose. The unrestricted general fund provides for activities not funded by earned income or restricted funding and for the general administration of the charity. It also provides working capital for operations and helps to provide resources to ensure that the charity is able to continue with its obligations.

Currently our group policy is to maintain an unrestricted general fund of between three and six months of gross expenditure for the next financial year. Asylum Aid joined the Helen Bamber Foundation Group in August 2020 with no reserves or assets. Given the importance of being confident that Asylum Aid can maintain its support to our very vulnerable clients, the Trustees aim to increase the sum in the unrestricted general fund in order to ensure that the minimum level of reserves is met throughout the year by 2024.

In December 2022, Asylum Aid ended the year positively with £229,940 (2021: £67,092) unrestricted free reserves, which represents three months of unrestricted expenditure.

RISKS

The major risks to which Asylum Aid is exposed, as identified by the Trustees, have been reviewed, and systems have been established to mitigate these risks. Among the risks identified, the most significant are considered to be:

- The challenge of ensuring that funds are raised to fill the gap left by the delays in receipt of Legal Aid funding, primarily due to delays in closure of cases, and that activities are planned in order to meet budget requirements.
- The operational strain that can arise from the significant level of demand for the services of the organisation, while at the same time as cases are not being closed, and there is little capacity for new clients.
- The impact of the Nationality and Borders Act, the Rwanda policy and subsequent legislation making a system that is already failing, hard to implement fairly and which will result in increased delays for our clients and increased number of clients with complex needs.
- The cost of living crisis and this Government's plans to recover from the financial impact of the pandemic mean there is unlikely to be any extra central Government funding for legal advice or to invest in the wider asylum system. These economic impacts will make an already hostile influencing environment more challenging for our clients and therefore for our work more generally.

These risks are mitigated in part through close operational monitoring and application of the reserves policy.

SUBSEQUENT EVENTS AND GOING CONCERN

The Trustees have put in place measures to mitigate the risks to Asylum Aid from the ongoing delays in the closure of cases due to external factors, resulting in delayed receipt of payment from the Legal Aid Agency for work done, by continuing to focus on fundraised income during this period. We have also invested in capacity to ensure prompt and timely billing where possible. Brexit has not had a negative impact on Asylum Aid's income and is not expected to in future. The introduction of new legislation denying people seeking asylum the ability to make claims in the UK is of concern. However, given the numbers of individuals with claims outstanding, the ongoing right to have human rights aspects of protection needs considered and the Government's inability to execute mass detention and removals leaves us confident that the services of Asylum Aid will still be required. Having regard to these steps and the reserves held at the year-end both by Asylum Aid and the Helen Bamber Foundation, the Trustees consider it reasonable to expect that Asylum Aid has adequate resources to continue in operational existence for the foreseeable future. Accordingly, the Trustees continue to adopt the 'going concern' basis in preparing the accounts.

REMUNERATION POLICY

The objectives of HBF Group's remuneration policy are to:

- Reward staff appropriately and enable the recruitment and retention of high-calibre personnel.
- Ensure the proper use of the charity's resources in accordance with its aims and within affordable limits, based on the financial circumstances of the charity.
- Be non-discriminatory, just and equitable in the evaluation of jobs and their remuneration by providing a stable framework for the remuneration of the team.
- Pay at a competitive level, taking account of external market rates – the aim being to set pay around the median level for comparable posts in the voluntary sector, subject to the charity's financial position.
- Operate within the law.

Remuneration is reviewed on an annual basis and agreed by the Board of Trustees. When setting pay levels, the charity gives consideration to external benchmark comparators, changes in the national average earnings index, affordability and other internal and external pressures, including recruitment and retention. The policy applies to all staff, including the charity's management team.

FUNDRAISING

Asylum Aid is supported by the same fundraising team as the Helen Bamber Foundation as part of the group structure. An annual income generation strategy is produced, against which performance is regularly monitored by the senior management and Trustees. In 2022, Asylum Aid secured fundraised income of £640,590 part of which was due to the synergy between Asylum Aid and the Helen Bamber Foundation as a group.

Asylum Aid's/Helen Bamber Foundation's fundraising approach reflects the principles published on the HBF's website www.helenbamber.org. The charity's fundraising programme is delivered using internal resources and in 2022, it only used external professional fundraisers for the purposes of supporting efforts to create a Capital Appeal Fund to support a move to new premises. Neither Asylum Aid nor the Helen Bamber Foundation produces or markets merchandise for fundraising purposes.

HBF Group is registered with the Fundraising Standards Board. Registration with the Board represents a commitment to the highest standards of practice and ensures that all fundraising activity is open, legal and fair. As a registered participant, HBF Group commits to the Board's Codes of Fundraising Practice, which is the standard set for fundraisers in the UK. Registered participants also commit to abide by its Fundraising Promise. The Fundraising Promise is based on five key pledges that reflect the core values of respect, honesty, accountability and transparency. HBF Group's strong commitment to recognize sector standards means that the charity is actively working to protect vulnerable people and other members of the public from behaviour which:

- is an unreasonable intrusion on a person's privacy;
- is unreasonably persistent;
- places undue pressure on a person to give money or other property.

Neither Asylum Aid nor the Helen Bamber Foundation has received any complaints with regard to its fundraising activities in 2022.

PUBLIC BENEFIT

In setting Asylum Aid's objectives and planning its activities, the Board of Trustees has given careful consideration to the Charity Commission's general guidance on public benefit. In particular, the Board of Trustees considers how planned activities will contribute to its stated aims and objectives. The benefits that Asylum Aid brings to those seeking asylum and those already granted refugee or other forms of protective status, those who have insecure immigration status or are stateless, and those who are vulnerable to destitution, exploitation, abuse, trafficking or other forms of human cruelty, including but not limited to those outside their country of origin and their dependents, are:

- the relief of their conditions of need, hardship or distress (including providing them with legal advice and representation);
- the preservation and protection of their physical and mental health;
- the advancement of their education and training so as to further their rehabilitation and integration within a new community;
- the advancement of public knowledge of the situation of asylum seekers and refugees and the conditions that give rise to refugee movements, as well as all issues concerning gross violation of human rights, torture and atrocities and the impact on people who experience such suffering;
- assisting them in other such exclusively charitable ways as the Charity determines from time to time

STATEMENT OF RESPONSIBILITIES OF THE TRUSTEES

The Trustees (who are also directors of Asylum Aid for the purposes of company law) are responsible for preparing the Trustees' annual report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

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

- Select suitable accounting policies and then apply them consistently;
- Observe the methods and principles in the Charities SORP;
- Make judgements and estimates that are reasonable and prudent;
- State whether applicable UK Accounting Standards and statements of recommended practice have been followed subject to any material departures disclosed and explained in the finance statements;
- Prepare the finance statements on the going concern basis unless it is inappropriate to presume that the charity will continue in operation.

The Trustees are responsible for keeping adequate accounting records that disclose with reasonable accuracy at any time the financial position of the charitable company and 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 for taking reasonable steps for the prevention and detection of fraud and other irregularities

The Trustees are responsible for the maintenance and integrity of the corporate and financial information included on the charitable company's website. Legislation in the United Kingdom governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

Members of the charity guarantee to contribute an amount not exceeding £1 to the assets of the charity in the event of winding up. The total number of such guarantees at 31 December 2022 was seven. The Trustees are members of the charity, entitling them to voting rights, but they have no beneficial interest in the charity.

These accounts have been prepared in accordance with the provisions applicable to companies subject to the small companies' regime.

The Trustees' annual report has been approved by the Trustees on 29th June 2023 and signed on their behalf by Elizabeth Mottershaw Chair of the Board of Trustees.

INDEPENDENT EXAMINER'S REPORT TO THE TRUSTEES OF ASYLUM AID

I report to the trustees on my examination of the accounts of Asylum Aid for the year ended 31 December 2022.

This report is made solely to the trustees as a body, in accordance with the Charities Act 2011 (the 2011 Act). My examination has been undertaken so that I might state to the trustees those matters I am required to state to them in an independent examiner's report and for no other purpose. To the fullest extent permitted by law, I do not accept or assume responsibility to anyone other than the charity and the trustees as a body, for my examination, for this report, or for the opinions I have formed.

RESPONSIBILITIES AND BASIS OF REPORT

As the charity trustees of the Company you are responsible for the preparation of the accounts in accordance with the requirements of the Companies Act 2006 ('the 2006 Act').

Having satisfied myself that the accounts of the Company are not required to be audited under Part 16 of the 2006 Act and are eligible for independent examination, I report in respect of my examination of the Company's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act.

INDEPENDENT EXAMINER'S STATEMENT

Since the Company's gross income exceeded £250,000 your examiner must be a member of a body listed in section 145 of the 2011 Act. I confirm that I am qualified to undertake the examination because I am a member of the Institute of Chartered Accounts in England and Wales, which is one of the listed bodies.

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. Accounting records were not kept in respect of Company as required by section 386 of the 2006 Act; or
2. The accounts do not accord with those records; or
3. The accounts do not comply with the accounting requirements of section 396 of the 2006 Act other than any requirement that the accounts give a 'true and fair view' which is not a matter considered as part of an independent examination; or
4. The accounts have not been prepared in accordance with the methods and principles of the Statement of Recommended Practice for accounting and reporting by charities.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed:

Name: Joanna Pittman FCA DChA

Address: Sayer Vincent LLP, Invicta House, 108-114 Golden Lane, London, EC1Y 0TL

Date: 1 September 2023

Statement of financial activities (incorporating an income and expenditure account)

For the year ended 31 December 2022

	Note	Unrestricted £	Restricted £	2022 Total £	Unrestricted £	Restricted £	2021 Total £
Income from:							
Donations and legacies	2	363,247	277,343	640,590	267,401	123,000	390,401
Charitable activities							
Legal Aid Services	3	129,157	-	129,157	45,950	-	45,950
Other Legal Aid Services (Work in progress)	3	25,692	-	25,692	209,849	-	209,849
Ramfel	3	26,627	-	26,627	-	-	-
Westminster CAB	3	61,306	-	61,306	61,306	-	61,306
Total income		606,029	277,343	883,372	584,506	123,000	707,506
Expenditure on:							
Raising funds	4a	25,856	-	25,856	21,859	-	21,859
Charitable activities							
Legal Aid Services/ Westminster CAB		366,633	248,010	614,643	353,613	104,859	458,472
Total expenditure		392,489	248,010	640,499	375,472	104,859	480,331
Net income for the year and net movement in funds	5	213,540	29,333	242,873	209,034	18,141	227,175
Reconciliation of funds:							
Total funds brought forward		276,941	18,141	295,082	67,907	-	67,907
Total funds carried forward		490,481	47,474	537,955	276,941	18,141	295,082

All of the above results are derived from continuing activities. There were no other recognised gains or losses other than those stated above. Movements in funds are disclosed in Note 12a to the financial statements.

Balance sheet

Company no. 02513874

As at 31 December 2022

	Note	£	2022 £	£	2021 £
Fixed assets:					
Tangible assets	8		<u>2,616</u>		<u>933</u>
			2,616		933
Current assets:					
Work in progress		235,541		209,849	
Debtors	9	39,829		27,811	
Cash at bank and in hand		<u>567,084</u>		<u>256,497</u>	
		842,454		494,157	
Liabilities:					
Creditors: amounts falling due within one year	10	(307,115)		(200,008)	
Net current assets			<u>535,339</u>		<u>294,149</u>
Total Net Assets			<u>537,955</u>		<u>295,082</u>
The funds of the charity:	11a				
Restricted income funds		47,474	47,474		18,141
Unrestricted income funds:					
Designated funds (Work in Progress)		235,541		209,849	
Designated- New Premise Fund		25,000		-	
General funds		<u>229,940</u>		<u>67,092</u>	
Total unrestricted funds			<u>490,481</u>		<u>276,941</u>
Total charity funds			<u>537,955</u>		<u>295,082</u>

The charitable company is entitled to exemption from audit under Section 477 of the Companies Act 2006 and members have not required the charitable company to obtain an audit for the period in question in accordance with section 476 of the Act.

The directors acknowledge their responsibilities for complying with the requirements of the Companies Act 2006 with respect to accounting records and preparing financial statements which give a true and fair view of the state of affairs of the company as at 31 December 2022 and of its net outgoing resources for the period in accordance with the requirements of sections 394 and 395 of the Act and which otherwise comply with the requirements of the Companies Act 2006 relating to financial statements, so far as applicable to the company.

The financial statements have been prepared in accordance with the special provisions for small companies under the Companies Act 2006.

Approved by the trustees on 29 June 2023 and signed on their behalf by

John Scampion

Treasurer

Statement of cash flows

For the year ended 31 December 2022

	£	2022 £	£	2021 £
Cash flows from operating activities				
Net income for the year and net movement in funds (as per the statement of financial activities)	242,873		227,175	
Depreciation charges	628		339	
(Increase) / decrease in debtors	(37,710)		(222,334)	
(Decrease) / increase in creditors	107,107		61,368	
Net cash provided by operating activities		312,898		66,548
Cash flows from investing activities:				
Purchase of fixed assets	(2,312)		-	
Net cash provided by / (used in) investing activities		(2,312)		-
Change in cash and cash equivalents in the year		310,587		66,548
Cash and cash equivalents at the beginning of the year		256,497		189,949
Cash and cash equivalents at the end of the year		567,084		256,497

Analysis of cash and cash equivalents and of net debt

	At 1 January 2022 £	Cash flows £	Other non-cash changes £	At 31 December 2022 £
Cash at bank and in hand	256,497	310,587	-	567,084
Total cash and cash equivalents	256,497	310,587	-	567,084

Notes to the financial statements

For the year ended 31 December 2022

1 Accounting policies

a) Statutory information

Asylum Aid is a charitable company limited by guarantee and is incorporated in the United Kingdom.

The registered office address and principal place of business is Bruges Place, 15-20 Baynes Street, London, NW1 0TF.

b) Basis of preparation

The financial statements of the charitable company have been prepared in accordance with the Charities SORP (FRS102) "Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2019)", Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and the Companies Act 2006.

Key judgements that the charitable company has made which have a significant effect on the accounts include the estimation of the value of the work in progress.

The Trustees do not consider that there are any sources of estimation uncertainty at the reporting date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

The charitable company meets the definition of a public benefit entity under FRS 102. Assets and liabilities are initially recognised at historical cost or transaction value unless otherwise stated in the relevant accounting policy or note.

c) Going concern

The trustees consider that there are no material uncertainties about the charitable company's ability to continue as a going concern due to the ongoing support of the parent company.

d) Income

Income is recognised when:

- 1) The charity has entitlement to the funds
- 2) Any performance conditions attached to the income have been met
- 3) It is probable that the income will be received
- 4) The amount can be measured reliably.

1 Accounting policies (continued)

Income from government and other grants, whether 'capital' grants or 'revenue' grants, is recognised when the charity has entitlement to the funds, any performance conditions attached to the grants have been met, it is probable that the income will be received and the amount can be measured reliably and is not deferred. Income received in advance for the provision of specified service is deferred until the criteria for income recognition are met.

We recognise work done under the legal aid contract where the criteria for entitlement to payment under the legal aid regulations are met.

e) Donations of gifts, services and facilities

Donated professional services and donated facilities are recognised as income when the charity has control over the item or received the service, any conditions associated with the donation have been met, the receipt of economic benefit from the use by the charity of the item is probable and that economic benefit can be measured reliably. In accordance with the Charities SORP (FRS 102), volunteer time is not recognised so refer to the trustees' annual report for more information about their contribution.

f) Interest receivable

Interest on funds held on deposit is included when receivable and the amount can be measured reliably by the charity; this is normally upon notification of the interest paid or payable by the bank.

g) Fund accounting

Unrestricted funds are available to spend on activities that further any of the purposes of charity. Restricted funds are donations which the donor has specified are to be solely used for particular areas of the charity's work or for specific projects being undertaken by the charity. Designated funds are unrestricted funds earmarked by the trustees for particular purposes.

h) Expenditure and irrecoverable VAT

Expenditure is recognised once there is a legal or constructive obligation to make a payment to a third party, it is probable that settlement will be required and the amount of the obligation can be measured reliably. Expenditure is classified under the following activity headings:

- Costs of raising funds comprise of costs incurred by the charitable company in inducing third parties to make voluntary contributions to it, as well as the cost of any activities with a fundraising purpose.
- Expenditure on charitable activities includes the costs of delivering services and activities undertaken to further the purposes of the charity and their associated support costs.
- Other expenditure represents those items not falling into any other heading.

Irrecoverable VAT is charged as a cost against the activity for which the expenditure was incurred.

1 Accounting policies (continued)

i) Allocation of support costs

Support costs are those functions that assist the work of the charity but do not directly undertake charitable activities. Support costs include office costs, finance, personnel, payroll and governance costs which support the charity's programmes and activities. These costs have been allocated between cost of raising funds and expenditure on charitable activities. The bases on which support costs have been allocated are set out in note 4.

j) Tangible fixed assets

Items of equipment are capitalised where the purchase price exceeds £250. Depreciation is provided at rates calculated to write down the cost of each asset to its estimated residual value over its expected useful life. The depreciation rates in use are as follows:

- Office equipment 25% straight line basis

k) Work in progress

Work in progress is valued at the average hourly rate paid by the Legal Aid Agency less any necessary provisions.

l) Debtors

Trade and other debtors are recognised at the settlement amount due after any trade discount offered. Prepayments are valued at the amount prepaid net of any trade discounts due.

m) Cash at bank and in hand

Cash at bank and cash in hand includes cash and short term highly liquid investments with a short maturity of three months or less from the date of acquisition or opening of the deposit or similar account.

n) Creditors and provisions

Creditors and provisions are recognised where the charity has a present obligation resulting from a past event that will probably result in the transfer of funds to a third party and the amount due to settle the obligation can be measured or estimated reliably. Creditors and provisions are normally recognised at their settlement amount after allowing for any trade discounts due.

o) Pensions

Employees of the charity are entitled to join the Royal London Pension Scheme which is funded by contributions from employees and the charity as employer. The pension charge recorded in these accounts is the amount of contributions payable in the accounting year.

2 Income from donations and grants

	Unrestricted £	Restricted £	2022 Total £	2021 Total £
Donations				
Individual donations	54,804	-	54,804	39,244
Corporate donations	5,000	94,000	99,000	72,000
Helen Bamber Foundation	75,786	-	75,786	136,155
Legacies	47,266	-	47,266	15,102
Grants				
Access to Justice Foundation Community Justice Fund	-	-	-	31,000
Access to Justice Foundation Funder Plus Scheme	12,196	-	12,196	-
The Barrow Cadbury Trust Covid 19 Support Fund	-	-	-	150
ILPA	-	19,005	19,005	-
Trust for London	-	-	-	50,000
London Legal Support Trust	11,228	-	11,228	21,764
Trust for London (Statelessness)	-	22,730	22,730	20,000
BNP Paribas	20,000	-	20,000	-
Disrupt Foundation	50,000	-	50,000	-
Unbound Philanthropy	30,000	-	30,000	-
Open Society Foundation	-	36,154	36,154	-
Good Law Ltd	-	17,649	17,649	-
Samworth Foundation	-	65,000	65,000	-
Choose Love	6,650	1,350	8,000	-
Justice Platform	-	20,454	20,454	-
Anonymous	35,000	-	35,000	-
Other	15,317	1,000	16,317	4,986
	363,247	277,343	640,590	390,401

£78,756 represents a portion of the income raised from Trusts and Foundations that was received by the Helen Bamber Foundation on behalf of HBF Group, and which has been allocated to Asylum Aid. This amount is based on the proportion of increased expenditure attributable to Asylum Aid.

3 Income from charitable activities

	Unrestricted £	Restricted £	2022 Total £	2021 Total £
Legal Aid Claims	129,157	-	129,157	45,950
	129,157	-	129,157	45,950
			(2021 £45,950 All Unrestricted)	
Other Legal Aid Claims Work in Progress	25,692	-	25,692	209,849
	25,692	-	25,692	209,849
Ramfael	26,627	-	26,627	-
	26,627	-	26,627	-
Westminster CAB Project	61,306	-	61,306	61,306
	61,306	-	61,306	61,306
Total income from charitable activities	242,782	-	242,782	317,105

4a Analysis of expenditure (current year)

	Basis of allocation	Charitable activities				2022 Total £	2021 Total £
		Raising funds £	Legal Aid Services £	Governance costs £	Support costs £		
Staff costs (Note 6)	Staff time	19,542	395,086	17,865	32,783	465,276	421,801
Direct costs	Direct	-	101,352	-	-	101,352	14,469
Premises costs	Staff time	-	-	-	18,227	18,227	16,446
Staff recruitment/ training	Staff time	-	-	-	10,752	10,752	2,965
Office costs/comms	Staff time	-	-	-	40,663.03	40,663	20,521
Depreciation	Staff time	-	-	-	628	628	339
Audit & Accountancy fees	Staff time	-	-	3,600	-	3,600	3,790
		19,542	496,439	21,465	103,053	640,499	480,331
Support costs		5,153	97,901	-	(103,053)	-	-
Governance costs		1,073	20,391	(21,465)	-	-	-
Total expenditure 2022		25,768	614,731	-	-	640,499	
Total expenditure 2021		21,859	458,472	-	-		480,331

4b Analysis of expenditure (prior year)

	Basis of allocation	Charitable activities				2021 Total £
		Raising funds £	Legal Aid Services £	Governance costs £	Support costs £	
Staff costs (Note 6)	Staff time	17,910	368,986	15,910	18,995	421,801
Direct costs	Direct	-	14,469	-	-	14,469
Premises costs	Staff time	-	-	-	16,446	16,446
Staff recruitment/training	Staff time	-	-	-	2,965	2,965
Office costs/comms	Staff time	-	-	-	20,521	20,521
Depreciation	Staff time	-	-	-	339	339
Audit & Accountancy fees	Staff time	-	-	3,790	-	3,790
		17,910	383,455	19,700	59,266	480,331
Support costs		2,963	56,303	-	(59,266)	-
Governance costs		986	18,714	(19,700)	-	-
Total expenditure 2021		21,859	458,472	-	-	480,331

5 Net income for the year

This is stated after charging:

	2022 £	2021 £
Depreciation	628	339
Auditor's remuneration: Independent Examination fees	3,600	3,790

6 Analysis of staff costs, trustee remuneration and expenses, and the cost of key management personnel

Staff costs were as follows:

	2022 £	2021 £
Salaries and wages	408,389	373,030
Redundancy payments	-	5,712
Social security costs	40,260	27,053
Employer's contribution to defined contribution pension schemes	16,626	16,006
	465,276	421,801

One employee received employee benefits (excluding employer pension and employer's national insurance (of between £60,000 and £70,000). (2021 None)

The total employee benefits including pension contributions of the key management personnel were £113,179 (2021: £72,671).

The charity trustees were not paid or received any benefits from employment with the Trust in the period (2021: £nil) neither were they reimbursed expenses during the period (2021: £nil). No charity trustee received payment for professional or other services supplied to the charity (2021: £nil).

Staff numbers

The average number of employees (head count based on number of staff employed) during the period was as follows:

	2022 No.	2021 No.
Raising funds	4	2
Charitable activity	20	15
Governance	4	2
	28	19

The average number of employees (based on full time and part-time) during the period was as follows

	2022	2021
	No.	No.
Raising funds	3	2
Charitable activity	14	12
Governance	4	2
	21	16

7 Taxation

The charitable company is exempt from corporation tax as all its income is charitable and is applied for charitable purposes.

8 Tangible fixed assets

Cost	Office equipment £	Total £
At the start of the year	1,357	1,357
Additions in year	2,312	2,312
At the end of the year	3,669	3,669
Depreciation		
At the start of the year	424	424
Charge for the year	628	628
At the end of the year	1,052	1,052
Net book value		
At the end of the year	2,616	2,616
At the start of the year	933	933

All of the above assets are used for charitable purposes.

9 Debtors

	2022 £	2021 £
Trade debtors	30,653	45
Other debtors	3,995	25,327
Prepayments	5,180	2,439
	39,829	27,811

10 Creditors: amounts falling due within one year

	2022 £	2021 £
Trade creditors	22,906	9,610
Taxation and social security	10,290	8,314
Other creditors	67,364	55,532
Amounts owed to Helen Bamber Foundation	72,416	116,321
Accruals	65,078	10,231
Deferred income	69,061	-
	307,115	200,008

Deferred income

	2022 £	2021 £
Balance at the beginning of the year	-	31,000
Amount released to income in the year	-	(131,000)
Amount deferred in the year	69,061	-
Balance at the end of the year	69,061	-

Deferred income comprises of grants received from Corporates and Trusts and foundations in the current year which relates to a future period.

11a Analysis of group net assets between funds (current year)

	General unrestricted £	Designated £	Restricted funds £	Total funds £
Tangible fixed assets	2,616	-	-	2,616
Net current assets	227,324	260,541	47,474	535,339
Net assets at 31 December 2022	229,940	260,541	47,474	537,955

11b Analysis of group net assets between funds (prior year)

	General unrestricted £	Designated funds £	Restricted funds £	2022 £
Tangible fixed assets	933	-	-	933
Net current assets	66,159	209,849	18,141	294,149
Net assets at the end of the year	67,092	209,849	18,141	295,082

12a Movements in funds (current year)

	At 1 January 2022 £	Income & gains £	Expenditure & losses £	Transfers £	Total funds £
Restricted funds:					
Legal Aid Services	18,141	277,343	248,010	-	47,474
Total restricted funds	18,141	277,343	248,010	-	47,474
Unrestricted funds:					
General funds	67,092	580,337	392,489	(25,000)	229,940
Designated -work-in-progress	209,849	25,692	-	-	235,541
Designated- New Premise Fund	-	-	-	25,000	25,000
Total unrestricted funds	276,941	606,029	392,489	-	490,481
Total funds	295,082	883,372	640,499	-	537,955

12b Movements in group (prior year)

	At 1 January 2022 £	Income & gains £	Expenditure & losses £	Transfers £	Total funds £
Restricted funds:					
Legal Aid Services	-	123,000	104,859	-	18,141
Total restricted funds	-	123,000	104,859	-	18,141
Unrestricted funds:					
General funds	67,907	374,657	375,472	-	67,092
Designated -work-in-progress	-	209,849	-	-	209,849
Total unrestricted funds	67,907	584,506	375,472	-	276,941
Total funds	67,907	707,506	480,331	-	295,082

Legal Aid Services

The income of the charity includes grants received for specific restricted projects. The restricted funds have enabled the charity to continue in its campaign of providing legal representation and access to justice and specifically have allowed the charity to protect vulnerable needy people against the backdrop of an ever more challenging external environment

13 Legal status of the charity

The charity is a company limited by guarantee incorporated in England and has no share capital. Each member is liable to contribute a sum not exceeding £1 in the event of the charity being wound up.

14 Related party transactions

There are no related party transactions to disclose for 2022 (2021: none).

There are no donations from related parties which are outside the normal course of business and no restricted donations from related parties.

15 Ultimate Controlling Party

The company's ultimate parent undertaking and controlling party is Helen Bamber Foundation, a registered charity (charity number 1149652) and company limited by guarantee (company number 08186281). Copies of the financial statements are available from Companies House and the Charity Commission.

16 Post Balance Sheet Event

In March 2023 Asylum Aid began negotiations with the Islington Law Centre (ILC), to transfer the Migrants' Law Project (MLP), to Asylum Aid. The Board of Trustees of both organisations signed an agreement on 16 June 2023 which provides for the transfer to take place in July 2023, subject to the satisfaction of certain preconditions relating to client, staff and funder consent. Under this agreement Asylum Aid will work with the MLP team to maximise the benefits from our joint work to further the protection and access to justice of people seeking asylum, refugees and others with insecure immigration status in the UK, and their family members or other dependents (whether in the UK or abroad), as well as their fair and dignified treatment. Three solicitors employed to work on the MLP will transfer to Asylum Aid in July 2023. The agreement includes a financial settlement comprising a grant of £200,000, the value of restricted grants paid and not spent, and legal aid income on MLP matters received by ILC after 1 May 2023. The total value of the financial grant, which will be restricted to the MLP's work, is not yet known but is estimated to be sufficient to meet the staff and other running costs of MLP (including a contribution to Asylum Aid's overheads) for at least 18-24 months.



Charity number: 328729
Company number: 02513874