

Section 4 Bail Accommodation

Table of Contents

Introduction

Section 4 Bail Process

Immigration Bail

Recording the Receipt of a Section 4 Support Application Form

Refusing a Section 4 Bail Address

Granting a Section 4 Bail Address

Initial Accommodation in Section 4 Bail Cases

Dispersal Arrangements

Breach of Conditions

Change of Address

Failure to Travel

Dependants of a bail address applicant

Families in Detention

Section 4 bail address applications by applicants already released on immigration bail

Additional Services or Facilities under Section 4 of the Immigration and Asylum Act 1999

Discontinuing support

Chief Immigration Officer & Secretary of State Bail

Introduction

This instruction provides guidance on applications for support under [section 4\(1\)\(c\) of the Immigration and Asylum Act 1999](#) (“the 1999 Act”).

Section 4(1)(c) gives the Secretary of State the power to provide facilities for accommodation to a person released on bail from detention under any provision of the Immigration Acts. A person who applies for bail could be an asylum seeker, a failed asylum seeker, or a person who has never had an asylum application but is otherwise in detention under any provision in the Immigration Acts.

This instruction provides guidance on the provision of section 4 bail addresses to applicants who apply for Immigration Judge bail (AIT bail). For information on the provision of section 4 bail addresses to applicant’s released on Chief Immigration Officer (CIO) and Secretary of State bail, refer to CIO & Secretary of State Bail.

When applying for a bail address under section 4(1)(c), applicants do not need to be destitute or meet the other normal section 4 eligibility criteria as set out under the [Immigration and Asylum \(Provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#) (“the 2005 Regulations”), which are only applicable to applicants applying for support under section 4(2) and section 4(3) of the 1999 Act.

Where granted, section 4(1)(c) support must continue for as long as the bail conditions apply, specifying residence at the section 4 accommodation.

Cash payments are not made under section 4. Supported persons and their dependants who receive section 4 support are generally provided with accommodation and vouchers or a payment card (when introduced) to cover food and essential toiletries only. Occasionally, full board accommodation may be provided to meet specific needs. In such cases, the supported person is not provided with vouchers or a payment card. Food and essential toiletries will be provided by the accommodation provider. They may also supply nappies etc and essential sanitary items for female supported persons.

Further information on the nature of support under section 4 is provided in the [Section 4 Frequently Asked Questions](#).

If a person who intends to apply for bail is an asylum seeker or a dependant of asylum seeker who appears to the Secretary of State to be destitute or to be likely to become destitute within such period as may be prescribed (this is prescribed in regulation 7 of [The Asylum Support Regulations \(2000\)](#), he/she may be eligible for the provision of a bail address under [section 95 of the 1999 Act](#) as an alternative to the provision of a bail address under section 4(1)(c). An asylum seeker who intends to apply for a section 95 bail address should submit an application in writing to his/her local Initial Accommodation team via his/her Case Owner to access Initial Accommodation. If an IA bail address is provided and the applicant is granted bail, he/she will apply for section 95 support from his/her Initial Accommodation. If a supported person already in receipt of support under section 4(1)(c) is eligible for section 95 accommodation, he/can apply for section 95 support following dispersal to his/her section 4 bail accommodation.

For further information on the provision of section 95 support and how to apply for a section 95 bail address, refer to the [Eligibility and Assessment of Asylum Support Asylum Instruction](#) (AI) and to the [Bail Flowcharts](#).

Section 4 Bail Process

The process specified below refers to applicants who are currently in detention and intend to make an application for bail from detention under a provision of the Immigration Acts (Immigration Bail), and require the provision of a bail address under section 4(1)(c) since they do not have any other available accommodation. Refer to Immigration Bail (p9) for further information on the bail process.

Stage 1

Applicant submits an application for support under section 4(1)(c) for a bail addresses

If an applicant who is currently in detention intends to make an application for bail from detention under a provision of the Immigration Acts, and requires the provision of a section 4 bail address, he/she must complete a Section 4 Support Bail Application Form and submit it to the UK Border Agency Bail Accommodation Team (Bail Team) using the address specified in the application form. The application form can be obtained from One-Stop Services and UK Border Agency website.

Stage 2

Record receipt of section 4 support application form

The Bail Team Caseworker should register the section 4 bail application on ASYS, using the information provided in the section 4 bail address application form, referring to the process specified in Recording the Receipt of a Section 4 Support Application Form (p13).

Stage 3

Assessment of eligibility and granting a section 4 bail address

On receipt of an application for a section 4 bail address, the Bail Team Caseworker should undertake a basic check to assess eligibility. As bail address applicants are not required to prove destitution or satisfy the eligibility conditions set out under the [2005 Regulations](#), the only eligibility criteria that a bail applicant must satisfy for the provisional grant of a section 4 bail address is that he/she is currently in detention, and intends to apply to be released on bail under any provision of the Immigration Acts. This information can be obtained from CID.

- If the applicant is assessed as being ineligible for a section 4 bail address, a Section 4 Bail Refusal Letter should be sent to the applicant and the representative by recorded first class post. The Case worker must record the decision on ASYS, referring to the ASYS User Manual on Section 4 Applications for guidance. The applicant will have a right of appeal to the Tribunal under [section 103 of the 1999 Act](#) against the refusal of support. Refer to Refusing a Section 4 Bail Address (p11) for further information. A copy of the Refusal letter should be emailed to the Case Owner. It will be the responsibility of the Case Owner to manage any correspondence received challenging a decision to refuse support.
- If the applicant is assessed as being eligible for a section 4 bail address, the Bail Team Caseworker must undertake the following:
 - (a) Send a Section 4 Bail Address Grant Letter to the applicant providing the address of the nearest appropriate Regional Initial Accommodation (IA) to the detention centre he/she is currently detained. For further information on granting a section 4 bail address, refer to Granting support (p12). For further information on the use of IA in

the section 4 bail process, refer to Initial Accommodation in Section 4 Bail Cases (p12).

- (b) Check DocGen in CID to ascertain whether the applicant has a Harm Matrix (ICD.3723), and if so, identify any actual/suspected offences that may effect the allocation of accommodation. If this is the case, further information should be requested from the Case Owner at stage 2(c). Refer to The Harm Matrix page on Horizon for further information.
- (c) Send an email to the Case Owner informing him/her that a bail address has been provisionally offered to the applicant, and request that in the event the applicant has a criminal history, that the Case Owner provides the Bail Team with relevant information on the nature of the offence, health and safety issues, and any other information that may affect the allocation of accommodation.

Stage 4

Applicant applies for bail from detention

Upon receipt of the Section 4 Bail Address Grant Letter, the applicant will apply for bail by submitting a [B1 form](#) to the Asylum & Immigration Tribunal (AIT), using the address of the Regional IA provided in the offer letter as the bail address.

Stage 5

Bail hearing arranged

Following receipt of the [B1 form](#), the AIT will list the application, allocate a date for the hearing, and communicate the allocated bail hearing date to the applicant. The AIT tries to ensure that bail hearings are held 3 working days from the receipt of the bail application.

Stage 6

Bail hearing

As soon as the bail hearing is concluded, the AIT will immediately fax either an AIT 121 notice if bail has been granted or an AIT 128 notice if bail has been refused, to the applicant's detention centre and to the Bail Team, providing confirmation of the bail decision. Did the AIT Immigration Judge grant bail?

- If No, the applicant will remain in detention and no further action regarding the section 4 bail address is required.
- If Yes, the Immigration Judge will set the applicants bail conditions, and usually the surrender date (when the grant of bail will be reviewed).

Stage 7

Liaison between the Bail Team and the IA Team in response to the AIT's grant of bail

Upon confirmation that bail has been granted, the Bail Team Caseworker should immediately undertake the following actions to ensure appropriate accommodation arrangements are in place before the applicant's arrival at the allocated IA following release from detention:

- (a) Contact the IA Provider by telephone to advise them that the applicant granted bail will be arriving imminently and will require accommodation. If the Case Owner provided information on the provision of appropriate accommodation, as requested at stage 2(b), this information should also be communicated to the IA Provider. This

will enable the IA Provider to make arrangements for the appropriate allocation of accommodation upon the applicant's arrival.

- (b) Email the IA Team to advise them that a section 4 bail case will shortly be arriving at the IA. If the Case Owner provided information on the provision of appropriate accommodation, as requested at stage 2(b), this information should be sent in the email to the IA Team. This will enable the IA Team to make appropriate dispersal arrangements once the applicant is accommodated in IA. This email should also be copied to the Case Owner.
- (c) Fax a copy of the section 4 support bail application form to the IA Team.

Stage 8

Applicant moves in to IA

Once bail has been granted the applicant will immediately travel from the court or detention centre (if the bail hearing was conducted by video link) to the regional IA, using the travel warrant issued to him/her by the Detention Centre (For further information on travel warrants, refer to Detention Services Order 10/2007). It is the responsibility of the applicant to make his/her own travel arrangements to IA following release from detention. Upon arrival the IA Team will allocate suitable accommodation to the applicant taking into account any accommodation requirement information provided by the Bail Team.

Stage 9

Determining whether the applicant has travelled to his/her allocated IA bail address

The day after the grant of bail, the Bail Team Caseworker should contact the IA Team to determine whether the applicant has moved in to his/her allocated IA bail accommodation. In the event the applicant has failed to travel, the process specified in Failure to Travel (p18) should be followed.

The responsibility for the arrangement of a section 4 bail address now passes from the Bail Team to the IA Team

Stage 10

Identifying accommodation requirements

The IA Team must assess whether the applicant has any special needs that affect dispersal. This may include a need to be accommodated in a particular location/certain type of accommodation, or a need to continue receiving ongoing medical treatment. When identifying whether the supported person has any special accommodation requirements, the IA Team Caseworker should check whether relevant information has been entered in the section 4 bail address application form and notes on ASYS. If specific accommodation requirements have been raised, when assessing whether the accommodation requirements are appropriate, the IA Team Caseworker should refer to Dispersal Arrangements (p14).

Stage 11

Arranging appropriate section 4 dispersal accommodation

Once the supported person's accommodation requirements have been established, the IA Team Caseworker should subsequently arrange appropriate section 4 dispersal accommodation. The Caseworker should complete an accommodation booking request, and submit this by email to the accommodation provider, informing them:

- That accommodation needs to be arranged for an applicant released on bail, (and hence that it is important that the address provided is the address the applicant will be moved into) and, if applicable, specifying any accommodation requirements.
- That transportation of the supported person to his/her allocated accommodation must not take place within 5 working days of providing confirmation of the dispersal address in cases where there are no bail sureties, and not within 7 working days if there are bail sureties. This is because bail conditions must be varied to take in to account the dispersal address before the Supported Person can move from IA to his/her allocated dispersal address. Failure to vary bail conditions will result in the applicant breaching his/her bail conditions (Refer to Breach of Conditions (p16) for further information).
- That due to being a bail case, if the Accommodation Provider makes a decision to move the Supported Person to alternative section 4 accommodation, authorisation must first be obtained from the UK Border Agency due to the need to vary bail conditions.

Stage 12

Varying bail conditions and confirming dispersal arrangements

Once the section 4 bail dispersal address has been allocated and date of travel arranged, the IA Team Caseworker must immediately undertake the following actions:

- (a) Draft and serve a Section 4 Bail Address Dispersal Letter to the supported person, by hand or by recorded first class post. A copy of the letter should be sent by post to the supported person's representative, and a copy emailed to the Case Owner. The letter provides the location of the allocated dispersal accommodation, the date of dispersal, and also informs the supported person that if he/she is a destitute asylum seeker, he/she may be eligible for support under [section 95 of the 1999 Act](#), and if so, he/she should apply for section 95 support after dispersal.
- (b) Complete an Application to Change Bail Conditions – Residence Change Form (Bail Conditions Variation Form) filling in the supported person's details and the dispersal address. Fax the Bail Conditions Variation Form and a copy of the dispersal letter to the IA Provider requesting that the IA Provider as a matter of urgency arranges for the supported person to enter his/her name and signature in the applicable sections of the form, and if the supported person has a surety, the IA Provider should also be requested to advise the supported person that he/she must arrange for his/her surety to enter his/her name and signature in the applicable sections of the form, and that once the form has been completed, the IA Provider should fax the form back to the IA Team.
- (c) Notification letters should be sent to the relevant Primary Care Trust in England (to Local Health Boards in Scotland and Wales and in Northern Ireland to Health Care Trusts) (NASS 17), and where there are dependant children, to the relevant Local Education Authority (NASS16), giving them the name and address of the supported person(s) being dispersed to their area.
- (d) As soon as the IA Provider faxes the completed Bail Conditions Variation Form to the IA Team, the IA Team Caseworker must immediately sign off the form and fax the form to the AIT, no less than 3 working days before date of dispersal, requesting a variation of bail conditions to take in to account the dispersal address. If the dispersal date is in less than 3 days, the Caseworker must immediately contact the AIT to establish when the Bail Conditions Variation Form is likely to be processed, and if required, contact the section 4 accommodation provider to request a later

dispersal date, and if so, inform the Supported Person and the IA provider of the revised dispersal date.

Stage 13

Dispersal to section 4 bail address

The accommodation provider will organise the transportation of the supported person to his/her dispersal accommodation. The accommodation provider will communicate the transportation arrangements to the IA Team, who should subsequently relay this information to the supported person.

In the event that confirmation of bail variation has not been received by the end of the third working day, the IA Team Caseworker should immediately contact the AIT to ascertain the status of the bail variation application. In the event that bail cannot be varied by the date of dispersal, dispersal should be delayed until the date bail can be varied.

The provision of initial accommodation shall end on the day on which the supported person travels to dispersal accommodation. If the applicant fails to travel to his/her dispersal accommodation, refer to Failure to Travel (p18).

Once the supported person is dispersed to his/her section 4 bail address, responsibility for managing the provision of section 4 support will rest solely with the Case Owner.

Stage 14

Review Support

All section 4 cases are subject to a review process to ensure that only those entitled to support remain supported. The provision of a section 4 bail address can only be discontinued if the supported person's bail has been discontinued, or his/her bail conditions have been varied so that they no longer specify accommodation at the section 4 address. Review in bail cases must be set in line with the bail conditions and reviewed when bail is discontinued or conditions change. The Case Owner should diarise the date for the review of support on ASYS (by setting up a new 'task' in tab 9 on ASYS).

On the review date or upon notification that a bail hearing has taken place, the Case Owner must check the supported person's CID record and asylum case file to ascertain his/her bail status:

- If bail conditions no longer require the provision of accommodation: The supported person is no longer eligible for support under section 4(1)(c).
- If bail conditions still require the provision of accommodation: A new date for the review of the provision of section 4 support should be set.

Stage 15

Discontinue Support

When a decision is made to discontinue section 4 support, a Section 4 Bail Discontinuation Letter should be sent to the supported person and the representative by recorded first class post. An accommodation provider discontinuation letter should also be sent to the accommodation provider via the Collaborative Business Portal and by fax to notify them that support will end on the due date. The Case Owner must record the decision on ASYS, referring to the ASYS User Manual on Section 4 Applications for guidance. The supported person will have a right of appeal to the Tribunal under [section 103 of the 1999 Act](#) against the discontinuation of support. The discontinuation period is dependant on whether the

supported person has been re-detained/moved to an alternative bail address or granted temporary admission:

- If the supported person has been re-detained or has moved to an alternative non-section 4 bail address, the provision of support should normally be discontinued with immediate effect, or on the date the supported person is due to be detained, in the event bail has been cancelled but the re-detention date has not yet passed.
- If the support person has been granted temporary admission, the standard section 4 discontinuation period should be used.

Refer to Discontinue support (p22) for further information.

Stage 16

Has the applicant appealed against the decision to discontinue section 4 support?

A person whose application for support under section 4 is rejected, or whose support under section 4 is discontinued has a right of appeal to the First-tier Tribunal, Asylum Support (Tribunal) if the decision to refuse or discontinue support was taken on or after 31 March 2005:

- If Yes, refer to the appeals process specified in [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information.
- If No, no further action required.

Immigration Bail

Bail is an alternative to detention and is used in compliance with the detention policy, and when:

- Detention is likely to be prolonged (e.g. applicant is undocumented) and continued detention may be threatened by Habeas Corpus applications;
- Detention becomes unsuitable, e.g. because of detainee's medical condition, or family illness;
- There is a lack of detention space;
- Where it is considered that the detainee is unlikely to comply with the conditions of Temporary Admission (i.e. Compliance with a reporting regime/residence at a particular address), but more likely to comply with bail because of the size of the recognizance (A monetary sum pledged by the applicant but the payment of which will be avoided if he/she complies with his/her bail conditions); or
- Where the department considers that bail is appropriate for some other reason under the Detention policy.

When applicants are detained, they have the right to apply to be released on bail. A detainee may apply at any time to an Immigration Judge at the AIT to be released on bail. On initial detention, the detainees are issued with an ICD 1913 informing them of their bail rights and a [B1 form](#) with which they can apply for bail to the AIT.

For further information on the bail process, refer to the Bail Applications AI.

Recording the Receipt of a Section 4 Support Application Form

Caseworkers should follow the instructions in the ASYS User Manual: Registering an Application to search for applicants. Where no record is found Caseworkers should register the applicant's support application on ASYS as outlined in the ASYS User Manual: Registering an Application. Where an existing ASYS record is located, Caseworkers must record the receipt in the Correspondence Tab (9) of the new application.

Caseworkers should also make a note on CID and the Minute Sheet (5) of ASYS, and add a Critical Comment and make a note in the Minute Sheet of ASYS.

For information on processing section 4 bail applications on ASYS, Caseworkers should refer to ASYS User Manual: Section 4 Applications.

Refusing a Section 4 Bail Address

If an application for a section 4 bail address is unsuccessful, the Bail Team Caseworker should undertake the following:

1. Draft a Section 4 Refusal Letter. The letter should advise the applicant of the following:
 - The reasons for refusing support.
 - A right of appeal under [section 103 of the 1999 Act](#) to the Tribunals Service – Asylum Support (Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information).
2. Include the Notice of Appeal Form and envelope.
3. Ensure that the letter is posted on the same day as it is dated.
4. If the supported person is represented, **post** a copy of the refusal letter to the representative.
5. Email a copy of the refusal letter to the Case Owner.
6. Update ASYS, referring to the ASYS User Manual on Section 4 Applications and Section 4 Discontinuation Tool for guidance.

Granting a Section 4 Bail Address

If an application for a section 4 bail address is successful, the Bail Team Caseworker should undertake the following:

1. Draft a section 4 grant letter in ASYS inserting the relevant text relating to the grant decision. The Bail Team Caseworker must ensure that the contact details are correct in all letters. The section 4 bail address grant letter:
 - Explains the decision and when support will be reviewed.
 - Explains that if bail is granted he/she will be accommodated in IA pending arrangements for his/her dispersal to appropriate section 4 accommodation.
 - Provides the address of the IA he/she will be expected to travel to if bail is granted.
 - Explains that support 4 support will be provided in the form of full board accommodation or accommodation and payment card/vouchers.
 - Explains that section 4 accommodation is provided on a no-choice basis and that the supported person may be required to move to accommodation which may not necessarily be in the area where he/she currently lives.
 - Explains the supported person's ongoing duty to comply with the asylum process.
 - Explains the continued reporting or other contact management requirements.
 - Promotes AVR (Where appropriate)
 - Should, if applicable, give a response to requests made by the applicant to take into account special needs when allocating accommodation.
2. Arrange for the grant decision to be served on the applicant and his/her representative as soon as possible - by fax or recorded first class post or in person.
3. Minute CID with details of the section 4 bail address grant. If the applicant already has a ASYS record, a minute can also be entered on to ASYS.
4. Send an email to the main Case Owner named on CID informing him/her that a bail address has been provisionally offered to the applicant, and request that in the event the that applicant has a criminal history, the Case Owner provides the Bail Team with relevant information on the nature of the offence, health and safety issues, and any other information that may effect the allocation of accommodation. A copy of the Section 4 Grant Letter should be attached to the email, which will assist the Case Owner in his/her bail address check.

Initial Accommodation in Section 4 Bail Cases

The provision of initial accommodation is a temporary arrangement primarily used for asylum seekers who would otherwise be destitute and are either supported under [section 98 of the 1999 Act](#) and awaiting a decision from the Secretary of State on whether he may provide asylum support under [section 95 of the 1999 Act](#); or are supported under section 95 and are awaiting transportation to their dispersal accommodation.

For the purposes of the section 4 bail address process, the provision of initial accommodation is used as a temporary arrangement for those granted bail while they are awaiting the arrangement of and transportation to section 4 accommodation. For further information on IA, refer to [Policy Bulletin 73: Provision of Initial Accommodation](#)

The Wrap-Around Services provided in IA and delivered by the Asylum Support Partnership, available to asylum seekers applying for section 95 accommodation, will not be available to supported persons released on bail in receipt of support under section 4(1)(c), unless the supported person is an asylum seeker. The purpose of the Wrap-Around Services is to provide an induction to newly arrived asylum seekers, and is not appropriate to those released from detention.

Dispersal Arrangements

When dispersing section 4 bail supported persons from IA to section 4 accommodation, the dispersal accommodation should be within the same area as the IA. The location of the dispersal address should not be in an area that requires an amendment to the supported person's reporting conditions.

Only in exceptional circumstances, such as the availability of required medical treatment, should supported persons in receipt of support under section 4(1)(c) be dispersed to a different area. For further information on assessing exceptional circumstances, refer to [Policy Bulletin 31: Dispersal Guidelines](#).

Medical Needs Identified

If the applicant is identified as having a health care need, the IA Team Caseworker should refer to [Policy Bulletin 85: Dispersing Asylum Seekers with Health Care Needs](#) before arranging dispersal accommodation.

Disclosure of Health & Safety Issues

While making dispersal arrangements from IA to section 4 dispersal accommodation, if any health or other issues such as a history of violent behaviour have been identified which affect accommodation, transport, or reception arrangements, enough information should be communicated to the accommodation provider within the accommodation booking request to enable them to ensure appropriate arrangements are in place.

When these types of issues have been identified, it is essential that such critical information is inputted onto ASYS.

Breach of Conditions

The conditions for the continued provision of accommodation as set out under [regulation 6 of the 2005 Regulations](#) do not apply to supported persons released on bail and in receipt of support under section 4(1)(c). However, a supported person released on bail is required to comply with his/her bail conditions.

If following investigation by the Case Owner there is evidence that the supported person has breached his/her bail conditions, this should immediately be communicated to the AIT, who will, if appropriate, arrange a bail hearing. If the AIT discontinue the supported person's bail, or vary his/her bail conditions so that they no longer specify residence in section 4 accommodation, the provision of section 4 support can be discontinued. Refer to Discontinuing support (p23).

For further information on bail conditions, refer to Bail Applications.

Change of Address

In all cases where the supported person's bail address is to be changed, such as where the supported person moves from:

- an IA address to an alternative IA address, or
- an IA address to section 4 dispersal accommodation, or
- section 4 dispersal accommodation to alternative section 4 accommodation,

his/her bail conditions will need to be amended by the AIT before the bail address can be changed.

The IA Team Caseworker (if pre-dispersal) or the Case Owner (if post dispersal) must complete a Bail Conditions Variation Form, filling in the Supported Person's details and the new dispersal address. Arrangements must be made for the Supported Person to enter his/her name and signature in the applicable sections of the form. If the Supported Person has a surety, the Supported Person must also arrange for his/her surety to enter his/her name and signature in the applicable sections of the form. The completed form must be signed off by the Case Owner/Caseworker and faxed to the AIT, no less than 3 working days before date of dispersal, requesting a variation of bail conditions to take in to account the new dispersal address.

If the dispersal date is in less than 3 days, the Case Owner/Caseworker must immediately contact the AIT to establish when the Bail Conditions Variation Form is likely to be processed, and if required, contact the section 4 accommodation provider to request a later dispersal date, and if so, inform the supported person and the IA provider of the revised dispersal date.

Please note that a failure to vary bail conditions when a change of bail address takes place will result in the supported person breaching his/her bail conditions.

Moving a supported person from an IA address to an alternative IA address

In the event that the supported person needs to be moved to an alternative IA, this can only occur after 48 hours of arriving at the original IA bail address, and after the AIT agree to vary bail conditions.

Change of bail address requests by supported persons following dispersal

If a supported person makes a request for alternative section 4 accommodation following dispersal, the request must be made in writing and signed by the supported person. Relocation is not normally permitted except in exceptional circumstances. When making decisions on whether a request for alternative accommodation is reasonable, Case Owners must refer to the Support Accommodation to Alternative Support Accommodation section of the [Change of Address AI](#) and consult the Relocation Team. The bail conditions will need to be varied before a change of accommodation takes place.

For further information on bail variation and sureties refer to the Bail AI.

Failure to Travel

If the supported person fails to travel without a reasonable excuse to initial accommodation or dispersal accommodation, as his/her bail conditions will specify accommodation in the property he/she was supposed to travel to, the applicant will be in breach of his/her bail conditions.

In this scenario the Caseworker responsible for arranging the provision of the bail address should immediately inform the applicant's/supported person's Case Owner who may arrange a bail hearing, at which a decision will be made as to whether it would be appropriate to cancel bail. The bail address must remain available to the supported person while bail conditions specify residence at that address.

Failure to travel from bail hearing to initial accommodation

If an applicant granted bail fails to travel from the bail hearing to his/her allocated IA, unless the applicant has promptly contacted the UK Border Agency providing a reasonable excuse for failing to travel, the Caseworker should immediately inform the Case Owner, who may in turn start breach of bail conditions action.

Failure to travel from IA to section 4 dispersal accommodation

If the supported person fails to travel from initial accommodation to his/her allocated section 4 bail dispersal accommodation, the IA Team Caseworker will need to assess whether there is a reasonable excuse. A Section 4 Failure to Travel Letter should be sent to the supported person, requesting an explanation for the failure to travel. A copy of the letter should be sent to the applicant's representative.

If the supported person provides an acceptable excuse for failing to travel to his/her dispersal accommodation, the IA Team should liaise with the accommodation provider to make travel arrangements to move the supported person to his/her dispersal accommodation for a second time.

If the supported person fails to provide a reasonable excuse, if the supported person's bail conditions no longer specify residence at that address, the provision of initial accommodation can be discontinued in line with normal procedures. If this is the case, the IA Team Caseworker should immediately inform the Case Owner, who will in turn start breach of bail conditions action.

Definition of a reasonable excuse for failure to travel

What constitutes an acceptable excuse for failing to travel will depend upon the circumstances of each case although excuses, which are considered to be reasonable, are few. For example, if an asylum seeker was too ill to travel and has provided medical evidence then this should be accepted. For further information on the failure to travel process, refer to [Policy Bulletin 17: Failure to Travel](#).

Dependants of a bail address applicant

Dependants cannot be supported under [section 4\(1\)\(c\) of the 1999 Act](#). If a bail applicant has dependants who require section 4 support, they must make their own application for support and establish eligibility in their own right as a failed asylum seeker under section 4(2), or as dependants of a Failed Asylum Seeker under section 4(3). For further information on the provision of support under section 4(2) and section 4(3), refer to the [Section 4 Support AI](#).

Families in Detention

If a family in detention intends to submit an application for all members of the family to be released on bail from detention under any provision of the Immigration Acts as a family unit, and require the provision of a section 4 bail address, a Section 4 Support Bail Application Form should be completed for each family member.

To apply to be accommodated as a family unit, the Additional Information sections of all the applications forms should clearly state that they are a family unit whose applications for immigration bail are linked and that they want to be accommodated together in one section 4 bail address should bail be granted. The family members' full names and HO Reference Numbers must be entered.

Section 4 bail address applications by applicants already released on immigration bail

If an applicant following release on bail to a non section 4 address, notifies the UK Border Agency that he/she can no longer stay at that address, a decision must be made by the Case Owner as to whether it would be appropriate to re-detain the applicant. This is because an inability to remain at his/her bail address would mean he/she can no longer adhere to his/her bail conditions.

If a decision is taken not to re-detain the applicant and he/she does not have an alternative address available to him/her, section 4 support can be provided where the applicant satisfies the normal section 4 bail eligibility criteria, following the process specified in the Section 4 Bail Process. If a decision is made to provide the applicant with a bail address, he/she will need to apply to the AIT to have his/her bail conditions amended by the AIT before he/she can move into his/her allocated section 4 bail accommodation.

If a decision is taken to re-detain the applicant, he/she can apply for a section 4 bail address following the process specified in the Section 4 Bail Process.

Additional Services or Facilities under Section 4 of the Immigration and Asylum Act 1999

The [Immigration and Asylum \(Provision of Services or Facilities\) Regulations 2007](#) which came in to force on 31st January 2008, enable the provision of additional support to supported persons in receipt of section 4 support who are destitute and are already receiving section 4 support, and require additional services or facilities that cannot be met by their current support.

For further information on the additional services/facilities available, how to apply, and eligibility criteria, refer to the [Additional Services or Facilities under Section 4 of the Immigration and Asylum Act 1999 AI](#).

Please note that while those in receipt of support under 4(2) and 4(3) are required to be destitute in order to be eligible for the provision of section 4 support, as set out under [regulation 3\(1\) of the 2005 Regulations](#), a supported person released on bail in receipt of support under section 4(1) is not required to be destitute in order to remain eligible for the provision of support. As a result, if a supported person in receipt of support under section 4(1) applies for an additional service/facility, the Case Owner will need to assess whether the supported person is destitute as part of the evaluation of eligibility. Refer to the [Section 4 Support AI](#) for information on assessing destitution.

Discontinuing support

The provision of section 4 accommodation must be maintained while the applicant's bail conditions specify the section 4 accommodation as his/her bail address. As a result, a supported person in receipt of support under section 4(1)(c) can only have their support discontinued if his/her bail conditions are amended at a bail hearing, to either end the grant of bail, or vary the bail conditions so that they no longer specify accommodation at the section 4 address. Bail can be discontinued / varied at the following types of bail hearings:

- Bail Renewal - Grants of bail are set with a date when the bailed person must surrender. The surrender date requires the subject to report at the end of bail either to the AIT or an IO, for bail to be reviewed and renewed.
- Bail Variation - A hearing of this type will usually be at the request of the applicant, who may want to vary either part or all of his conditions.
- Bail Forfeiture - A forfeiture hearing is only appropriate when the person has failed to comply with a primary condition (report at the end of bail) or where the applicant is deemed to have absconded.

Discontinuation Process

Where a supported person is no longer eligible for section 4 support, a decision will be taken to discontinue the provision of support. To discontinue support, Case Owners must:

1. Draft a Section 4 Discontinuation Letter. The letter should advise the supported person of the following:
 - The reasons for discontinuing support.
 - A right of appeal under [section 103 of the 1999 Act](#) to the Tribunals Service – Asylum Support (Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information).
 - That supported persons who have their support discontinued are required to leave their accommodation upon expiry of the discontinuation period.
2. Recheck that the address on ASYS has been confirmed by accommodation provider.
3. Include the Notice of Appeal Form and envelope.
4. Ensure that the letter is posted on the same day as it is dated.
5. If the supported person is represented, **fax and post** the discontinuation letter to the representative.
6. Serve a letter on the accommodation provider via the Collaborative Business Portal and by fax to notify them that support will end on the due date.
7. Scan confirmation of fax onto ASYS.
8. Update ASYS, referring to the ASYS User Manual on Section 4 Applications and Section 4 Discontinuation Tool for guidance.
9. Prepare Home Office appeal bundle - the supporting documentation element of the appeal bundle (the evidence on which the decision to discontinue support is justified) should be prepared by the Case Owner as soon as a decision to discontinue support is made. If an appeal is brought, the appeal bundle should be held until the appeal is concluded; otherwise the appeal bundle should be held up to a month after the discontinuation letter is sent to the subject. Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information.

Chief Immigration Officer & Secretary of State Bail

In addition to the provision of a bail address under section 4(1)(c) of the 1999 Act to an applicant granted bail by the AIT, as is specified within this AI, a section 4 bail address may also be provided to applicants granted Chief Immigration Officer (CIO) and Secretary of State bail from detention under any provision of the Immigration Acts.

For further information on the AIT, CIO & Secretary of State bail processes, refer to the Bail Applications AI and the Criminal Casework Directorate Bail Process Instructions.

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	SM	05/06/09	First published draft
2.0	SM	22/06/09	To take in to account AIT's revised bail variation process