

INTRODUCTION TO SUPPORT FOR ASYLUM SEEKERS

People seeking asylum can access support whilst in the UK which can take the form of housing and/or basic living expenses. This is provided via an asylum support scheme and administered by the Border and Immigration Agency (BIA). This support scheme was set up by Part VI of the Immigration and Asylum Act 1999.

Eligibility for Asylum Support

Asylum support is for an “asylum seeker” and any “dependant” who appears to be “destitute” or is likely to become “destitute” within 14 days and who made their claim for asylum at a “designated place”.

An “asylum seeker” is a person of 18 or over who has made an asylum claim or a claim under Article 3 of the European Convention on Human Rights (ECHR). A “dependant” can include a husband or wife, a child under 18, a family member over 18 who is in need of care and attention due to disability etc.

A person is “destitute” if he or she does not have adequate accommodation or does not have enough money to meet living expenses for him/herself and any dependants.

A “designated place” relates to asylum seekers who have not made their asylum claim at the port of entry. These asylum seekers should make their claim at a place designated by the Home Office such as an Asylum Screening Unit (Croydon, Liverpool and Solihull). There are exceptions to this rule if, for example, the asylum seeker is unable to travel to the screening unit due to ill health.

An applicant for asylum support must have made an asylum claim as soon as reasonably practical after their entry into the UK in order to be eligible.

Asylum seekers who are under the age of 18 and arrive in the UK unaccompanied are not eligible for asylum support so should instead apply for support from Social Services. This is done under the Children Act 1989.

If an asylum seeker is refused asylum support they can appeal to the Asylum Support Tribunal (AST). For more information refer to the ASAP fact sheet “Making an Appeal to the Asylum Support Tribunal”.

Asylum Seekers are accommodated outside of the London area. If an asylum seeker does not wish to travel to their dispersal area there is no right of appeal to the AST and the asylum seeker should seek advice on whether a Judicial Review can be brought.

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The information contained in this factsheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice. For client specific advice please contact the ASAP.

For more information on Judicial Review see the ASAP fact sheet [Introduction to Judicial Review](#).

Once an asylum seeker has been granted asylum support this can take the form of subsistence only (that is cash only support) or accommodation and subsistence support for asylum seekers who do not have access to any accommodation. The level of cash support granted depends on the circumstances of the asylum seeker and his/her household.

Terminating Asylum Support - Asylum Claim Determined

An asylum seeker will be eligible for support whilst he/she remains an asylum seeker. This means that if an asylum seeker's asylum claim is fully determined with no outstanding appeal asylum support will come to an end. Asylum support also ends when an asylum seeker is granted leave to stay in the UK as that person will become entitled to mainstream benefits administered by the Department of Work and Pensions (DWP).

A failed asylum-seeker with a dependant child continues to receive asylum support once their asylum claim is fully determined. This support is the same as the support that they would have received whilst their claim was being processed. This support can be ended however if the family is certified by the Home Secretary as having failed to leave the country voluntarily. [For more information about withdrawal of support for failed asylum seekers with dependant children refer to the ASAP fact sheet "Section 9 – Withdrawal of Support for Failed Asylum Seekers With Family"](#).

A failed asylum seeker with no dependants (or a child who was born after their claim was decided) is also eligible for support in the form of accommodation and board subject to the asylum seeker being destitute and meeting other certain conditions. [For more information refer to the ASAP fact sheet "Section 4 Support for Failed Asylum Seekers"](#).

Terminating Asylum Support – Asylum Claim Still Undetermined

Support can be terminated whilst the asylum seeker is waiting for a decision on their asylum appeal for a variety of reasons. For example if the asylum seeker ceases to be destitute due to a new source of income or a change in circumstances means that they no longer require support. More commonly asylum support is withdrawn because an asylum seeker breaches their conditions of support. Support conditions are given to an asylum seeker when they move into their accommodation. The asylum seeker has a responsibility to get the conditions translated if necessary and ensure that they understand them. If they breach the conditions BIA will withdraw support. Each accommodation provider will have their own conditions or "house rules". BIA may also withdraw support for reasons such as; failing to provide information requested by BIA, being absent from the accommodation without permission or concealing financial resources. If support is removed, the asylum seeker can appeal to the AST.

For more information and factsheets, visit www.asaproject.org.uk

ASAP Fact-sheets:

No 1: Asylum Support

No 2: Section 4 Support for Failed Asylum Seekers

No 3: What to Bring to the AST

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No 5: After a Negative Decision at the AST

No 6: Section 9 Withdrawal of Support for Failed Asylum Seeker Families

No 7: Introduction to Community Care

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No 9: The European Convention on Human Rights and The Human Rights Act 1998

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No 11: Section 4 Breach of Conditions

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