

What is Asylum Support

Asylum seekers are normally helped to claim Asylum Support which is administered by the Home Office.

Asylum Support is the system to provide support for asylum seekers and refused asylum seekers with financial support and accommodation.

It is normally a 'package' consisting of accommodation and subsistence. On occasions it has been known to be paid as a subsistence only arrangement.

The accommodation provided is usually on a no-choice basis, which will usually be outside London and the south-east of England. There may be a case for the family to remain in the area if it is in the child's best interest and Article 8. They may also request a choice of location due to exceptional circumstances such as medical grounds. But these are arguments that would have to be put to the Home Office.

Asylum Support is paid where asylum claimants are destitute, defined as "unable to fund adequate accommodation AND/OR essential living expenses" or that destitution will occur/apply within the next 14 days (or 56 days if already receiving support).

Asylum Support does not apply to unaccompanied asylum seeking children as those children will be looked after under s.20 and accommodated by the local authority receiving full CIC and leaving care entitlements.

Two Types of Asylum Support

Section 95 support

Support under section 95 of the Immigration and Asylum Act 1999 is provided to asylum seekers who have not received a final decision or have an appeal pending and are destitute or likely to become destitute.

Asylum seekers can apply for support for the period during which their asylum application and any subsequent appeal is being considered. The application can be for subsistence and accommodation or for subsistence only.

This support is for a person who made a first claim at a point of entry to the UK (the airport or sea port for example) or at the Asylum Screening Unit in Croydon, the claim will usually be recorded by the Home Office immediately.

If a person has made a previous claim which was refused and is making a fresh asylum claim they will not usually be entitled to section 95 support, but may be eligible for section 4 support.

Previously there were different financial support rates for single people, couples, lone parents, and children. In February 2018 the amount was raised and made a single rate for all groups of people to £37.75 for each person in the household. The amount is loaded onto a supported person's ASPEN card. An ASPEN card is a debit

card which can be used to withdraw cash from an ATM and can be used as a payment card in selected shops.

Section 4 Support

Failed asylum seekers may be supported under section 4(2) of the Immigration and Asylum Act 1999 if they meet certain eligibility criteria.

This support is for those who have come to the end of the asylum process, been refused asylum and exhausted all appeal rights (become ARE). They also have to be destitute/likely to become destitute and meet one of these conditions:

- Taking all reasonable steps to leave the UK
- Unable to leave the UK because they are physically unable to travel or as a result of a medical issue
- There is no viable route of return (in the opinion of the UK government)
- A judicial review has been lodged and permission to review has been granted
- Human rights would be breached if accommodation was not provided.

Dependants of failed asylum seekers may be supported under section 4(3) of the 1999 Act also.

Occasionally, full board accommodation may be provided to meet specific needs. In such cases, the Aspen card is not provided as food and essential toiletries are provided in the accommodation centre.

Excluded Groups

There are excluded groups who we should only provide support to if it would breach their human rights not to. In these cases we should undertake a human rights assessment. This comes under Schedule 3 of the Nationality, Immigration and Asylum Act 2002, and excludes the following groups:

- European Economic Area ([EEA](#)) nationals (not British citizens)
- People who are unlawfully present in the UK (including: visa overstayers; illegal entrants and refused asylum seekers who claimed asylum in-country, rather than at port of entry)
- People with refugee status that has been granted by an EEA country
- Refused asylum seekers who have failed to comply with removal directions
- Refused asylum seeking families that the Home Office has issued with certification confirming that they have failed to take steps to leave the UK voluntarily

If you do a HRA because they are within the excluded groups you are looking for any barriers to them returning to their country of origin, any outstanding legal issues (pending claims/appeals etc.), any medical condition that would mean they cannot travel (although the threshold is high for this I believe) or lack of travel or identity documents (can usually get help to get the required documents).

How to apply for Asylum Support

It is the family who will need to make the application for Asylum Support, i.e. it is for the families to claim, not for T&W to claim back.

The family will need support in applying for it. Their asylum solicitor could possibly help or they may need to be referred to a community care law (legal aid) practitioner for assistance.

Application forms for Asylum Support can be found here:

<https://www.gov.uk/asylum-support/how-to-claim>

Free support for families in filling out the forms is available:

Asylum Support Application UK

Telephone: 0808 801 0503

Monday to Friday, 8am to 8pm

A few additional comments

When a family who have NRPF come to our attention for financial assistance we are acting in their best interests if we qualify them as prospectively destitute by putting in writing to them that the LA will pull support in 14 days. This qualifies them for Asylum Support and should be done the moment they claim asylum. The family should be made to understand the context of this.

Make sure the claim put in by the family is an asylum claim and not a human rights claim as this would be the LA that funds.

Other additional links/resources

The link below summarises when a person or family with NRPF may be able to get housing or financial support from social services:

<http://www.nrpfnetwork.org.uk/information/Pages/Social-Services.aspx>

The link below takes you to a web tool to find out if a person may be able to claim benefits and social housing, get help from social services or might need to seek immigration advice.

It takes you through a number of questions about the case and at the end it gives you support options that may be available to the case:

[support for migrant families](#).

The **Asylum Support Appeals Project (ASAP)** is one of the leading organisations working on the issue of asylum support. They provide:

- [free legal representation](#) at the Asylum Support Tribunal.
- a second-tier [advice line](#) for organisations – 020 3716 0283 (Monday, Wednesday & Friday 2pm-4pm).

- a number of [fact sheets](#) on a range of asylum support issues, including appeals, dependents, domestic abuse and pregnancy.

The link below takes you to the NRPF Network page where you will find useful resources when working with families who have NRPF such tools, practical guidance, templates and fact sheets:

<http://www.nrpfnetwork.org.uk/guidance/Pages/default.aspx#families>

Supporting people with no recourse to public funds during the coronavirus (Covid-19) pandemic factsheet:

<http://www.nrpfnetwork.org.uk/Documents/coronavirus-factsheet.pdf>