

## Asylum Support

August 2020

### Support for people seeking asylum

Asylum seekers can apply for support for the period during which their asylum application and any subsequent appeal is being considered. This is often referred to as Section 95 support (defined in Section 95 of the Immigration and Asylum Act 1999). The application can be for subsistence and accommodation or for subsistence only.

Applicants must satisfy a 'destitution' test, meaning that they do not have adequate accommodation or money to meet living expenses for themselves and any dependants now or within the next 14 days.

Those who have private accommodation available, often with friends or relatives, may apply for subsistence only support. Those who apply for accommodation as well as subsistence have to accept an offer of accommodation in a 'dispersal' area, which will usually be outside London and the South East. The cash element of support is loaded onto an ASPEN card, which works like a debit card in shops and can be used to withdraw cash at an ATM. Families will receive all their allowance on to one card.

Applications for asylum support must be submitted to the charity Migrant Help which has a contract with the Home Office to process support claims. While an application for Section 95 support is being considered the Home Office can offer what is known as Section 98 support (defined in Section 98 of the Immigration and Asylum Act 1999). This will be offered if the asylum seeker is destitute, or is likely to become destitute, while the Section 95 application is being considered. Section 98 support is short term, in initial accommodation, and covering essential living needs.

If an application for Section 95 support is rejected an appeal is possible. Legal aid is available only for applications which include accommodation.

Support can be withdrawn if the asylum seeker does not adhere to conditions attached to it, for example being absent from the accommodation allocated without permission. If the asylum seeker ceases to be destitute support can be withdrawn.

The cash value of support, other than accommodation, remained unchanged from 2011 until April 2015, when a change was announced which increased the level of support for a single person from £36.62 per week to £36.95. From August 2015 the system changed with the level of support fixed at £36.95 per week for each person. Previously there were different rates for single people, couples, lone parents, and children. In February 2018 the amount was raised to £37.75 per person. In June 2020 a minor increase to asylum support rates was announced by the Immigration Minister, to £39.60 per person.

This means that a couple with no children will receive £79.20, as will a lone parent with one child. For comparison, for people claiming Universal Credit, a mainstream benefit, the current levels are £498.89 per month for a couple both over 25, £317.82 per month for a single person over 25 (these figures do not include the temporary uplift announced by the Chancellor to reflect the difficulties faced by

recipients of Universal Credit during the Covid-19 pandemic). People claiming mainstream benefits who have children will also receive the 'child element' of Universal Credit and may be eligible for child benefit.

Once the asylum claim has been fully determined, those people who are granted refugee status, humanitarian protection, or discretionary leave to remain will have the support terminated 28 days after the decision. The person will then usually be entitled to work and claim mainstream benefits.

### **Support for Refused Asylum Seekers**

An asylum seeker who has dependent children will continue to be supported after the refusal of their asylum claim at the same rate as during their claim until they leave or are removed from the UK, or until the youngest child reaches 18. It is possible for the support to be ended if the Home Secretary certifies that the family has refused to leave the UK voluntarily, but normally a failure to leave on a voluntary basis will lead to removal proceedings.

An asylum seeker who has no dependent children at the time of a final refusal decision will have their support terminated 21 days after the decision. They may then be eligible for Section 4 support (defined in Section 4 of the 1999 Immigration and Asylum Act). It is only given to people meeting one of a small number of tightly defined conditions. These include demonstrating willingness to leave the UK, having a medical reason not to travel, or being unable to travel because there is no safe route of return. The person must also be destitute or about to become destitute.

If the Home Office agrees to Section 4 support they usually provide basic self-catering accommodation and support to the value of £35.39 per week. The support is not in cash, but is loaded onto the ASPEN support card which can be used like a debit card, although not to withdraw cash. In some cases full board accommodation is provided, which includes meals, and if this is the case then no card will be provided.

If the Home Office rejects an application for Section 4 support, and that decision is upheld on appeal, the person will then have no access to any form of support.

Measures in the Immigration Act 2016 will change the support system, especially for refused asylum seekers. Section 4 support will be abolished and there will also be changes to the support for families with children whose application has been refused. As yet the date on which the changes will come into force has not been announced. It will depend on secondary legislation being passed by Parliament.

### **Numbers of People Receiving Asylum Support**

The numbers receiving Section 95 support over recent years are as follows:

	<b>End of 2015</b>	<b>End of 2016</b>	<b>End of 2017</b>	<b>End of 2018</b>	<b>End of 2019</b>
<b>In dispersed accommodation</b>	31,432	36,626	37,716	41,316	40,702
<b>Subsistence Only</b>	2,931	2,763	3,020	2,949	2,847

The numbers receiving Section 98 support over recent years are as follows:

<b>End of 2015</b>	<b>End of 2016</b>	<b>End of 2017</b>	<b>End of 2018</b>	<b>End of 2019</b>
1,985	1,990	1,802	2,129	2,738

At the end of June 2020 (the most recent figures) there were 42,289 people in dispersed accommodation, 3,480 receiving subsistence only, and 5,444 in initial accommodation. These figures reflect the measures taken during the Covid-19 pandemic; people who received decisions on their asylum claims during the period March 28th to August 11<sup>th</sup> were not issued with notices to cease their support. Without movement through the asylum support system the number of people supported in Section 98 (hostel or hotel accommodation) rose steeply.

The region of the UK which hosts the largest number of asylum seekers in dispersed accommodation is North West England. London generally has the highest numbers of asylum seekers receiving subsistence only and living in private accommodation. The numbers of people receiving Section 95 support at the end of June 2020 were as follows:

<b>Region</b>	<b>Total Section 95</b>	<b>Subsistence Only</b>	<b>Dispersed Accommodation</b>
<b>East Midlands</b>	2,628	166	2,462
<b>East of England</b>	956	204	752
<b>London</b>	6,632	1,610	5,022
<b>North East</b>	4,214	138	4,076
<b>North West</b>	10,083	349	9,734
<b>Northern Ireland</b>	852	11	841
<b>Scotland</b>	3,844	83	3,761
<b>South East</b>	823	220	603
<b>South West</b>	970	92	878
<b>Wales</b>	2,987	74	2,913
<b>West Midlands</b>	5,721	253	5,468
<b>Yorkshire &amp; Humber</b>	5,932	204	5,728

All the above figures include dependants. In addition there were 127 people where the location was described as 'Unknown'.

The Home Office also publishes figures for local authority areas. Follow the link below to find the table. If editing is enabled each region can be expanded to show individual local authority areas.

<https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>

The numbers receiving Section 4 support over recent years are as follows:

<b>End of 2015</b>	<b>End of 2016</b>	<b>End of 2017</b>	<b>End of 2018</b>	<b>End of 2019</b>
3,821	3,773	4,114	4,032	3,804

At the end of June 2020 there were 5,357 people receiving Section 4 support. These figures include dependants. It is only since January 2013 that the Home Office statistics have shown the number of dependants supported under Section 4. The rise in these figures reflects the decision not to leave people without support during the Covid-19 pandemic.

### **Problems in the Support System**

Problems identified by NGOs working with people applying for and living on asylum support include: the applications process and associated evidential requirements (e.g. 'proving' destitution), levels of support, particularly if living on support for lengthy periods, standards of accommodation and difficulties moving from asylum support to mainstream provision (move-on).

Refugee Action has monitored delays in applications for asylum support and is critical of the Home Office's performance against its own deadlines for considering applications.

The Asylum Support Appeals Project offers free legal representation and advice to people who are appealing against the refusal of asylum support. It publishes statistics on overturn rates at the Asylum Support Tribunal, including the success rate for cases represented by the Project and an overview of the most common issues in appeals.

Migrant Help acknowledged that the transition to their new AIRE (Advice, Issue Reporting and Eligibility) service in autumn 2019 had been challenging as they struggled to cope with the demand for their services. The new contract required any support related issues to be raised with Migrant Help in the first instance, including maintenance issues with properties that would be resolved by accommodation providers.

Asylum Accommodation contracts also changed in 2019. The Home Affairs Select Committee conducted an inquiry in 2018 into the transition to these new contracts in 2018.

Asylum Matters has produced guides to the most recent accommodation and advice contracts and following monitoring of the new contracts, has been publicly critical of performance.

## Links

Refugee Action report on delays

<https://www.refugee-action.org.uk/wp-content/uploads/2019/09/Missing-The-Safety-Net-Report.pdf>

The Asylum Support Appeals Project can be contacted at:

<http://www.asaproject.org/>

and their statistical bulletins can be found [here](#)

Migrant Help AIRE newsletters

<https://www.migranthelpuk.org/news/aire-news>

The Home Affairs Committee report on asylum accommodation and government response

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/asylum-accommodation-report-note-17-191/>

Asylum Matters briefings

<https://asylummatters.org/resources/policy-briefings/>

## About the Refugee Council

The Refugee Council is one of the leading organisations in the UK working with asylum seekers and refugees. We give help and support to asylum seekers and refugees, and also work with them to ensure their needs and concerns are addressed by decision-makers.