

Refugee Council

Information



**SUPPORTING AND
EMPOWERING
REFUGEES**

Asylum Support

December 2016

Support for Asylum Seekers

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 be outside London and the South East.

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Support can be withdrawn if the asylum seeker does not adhere to conditions attached to it, for example being absent from the accommodation allocated without permission. If the asylum seeker ceases to be destitute support can be withdrawn.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

This means that a couple with no children will receive £73.90, as will a lone parent with one child. For comparison, for people claiming a mainstream benefit (income support), the levels from April 2015 are £114.85 for a couple both over 18, £73.10 for a lone parent over 18 or a single person over 25. People claiming mainstream benefits who have children will also receive child benefit and may be eligible for tax credits. Until August 2015 the level of support was higher for many people, for example a lone parent with one child received £96.90.

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 dependant 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 dependant 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 'Azure' support card which a number of shops such as Asda and Tesco will accept for payment. In some cases full board accommodation is provided, which includes meals, and if this is the case then no Azure 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. Legal aid is available for appeals.

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. It is likely, but not certain, that the changes will come into force later in 2016.

Numbers of People Receiving Asylum Support

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

	End of 2011	End of 2012	End of 2013	End of 2014	End of 2015
In dispersed accommodation	18,108	17,594	20,687	26,350	31,432
Subsistence Only	2,786	2,588	2,772	3,403	2,931

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

End of 2011	End of 2012	End of 2013	End of 2014	End of 2015
962	1,067	1,197	1,476	1,985

At the end of September 2016 (the most recent figures) there were 35,254 people in dispersed accommodation, 2,704 receiving subsistence only, and 1,993 in initial accommodation.

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 September 2016 were as follows:

Region	Total Section 95	Subsistence Only	Dispersed Accommodation
East Midlands	2,770	121	2,649
East of England	585	154	431
London	3,918	1,372	2,546
North East	3,248	42	3,206
North West	9,129	324	8,805
Northern Ireland	571	5	566
Scotland	3,245	65	3,180
South East	532	177	355
South West	929	47	882
Wales	2,945	29	2,916
West Midlands	5,078	225	4,853
Yorkshire & Humber	4,820	120	4,700

All the above figures include dependants.

The Home Office statistics also show the figures by local authority area. To see the figures for a particular local authority area follow the link below to the statistics, open volume 4 of the asylum statistics, and then look at table as_16_q.

<https://www.gov.uk/government/publications/immigration-statistics-july-to-september-2016/list-of-tables#asylum>

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

End of 2011	End of 2012	End of 2013	End of 2014	End of 2015
2,310	2,757	3,488	3,655	2,525

At the end of September 2016 there were 2,441 people receiving Section 4 support. Unlike the previous tables the figures above for Section 4 do not include dependants. It is only since January 2013 that the Home Office statistics have shown the number of dependants supported under Section 4. At the end of September 2016 there were 1,324 dependants receiving support under Section 4.

Problems in the Support System

In January 2013 the Children's Society published a report of a Parliamentary Inquiry into effects of the asylum support system on children and young people. They concluded that the current levels of support were too low to meet the essential living needs of families with children. They heard evidence that the inadequacy of the support system was contributing to greater infant mortality and maternal death during pregnancy. They also commented on the poor quality of accommodation offered to asylum seekers.

The Children's Society report recommended that asylum support amounts should be aligned with mainstream benefit rates paid for living expenses. Where accommodation includes utilities such as heating and lighting which would normally form part of living expenses they suggested that it was reasonable to make a deduction for this but that the rate of support should never fall below 70% of income support. At present a single asylum seeker over 25 gets 51% of the income support level, and a couple with no children get 64% of income support.

In 2010 the Asylum Support Partnership published a report based on research into the operation of the Azure card for Section 4 support. The research findings included that people were unable to buy enough or appropriate food, were unable to buy essential non-food items, were unable to travel to access essential services, including legal advice and medical care, and that the card contributed to stigma toward asylum seekers.

The report recommended the abolition of the card and that support should be in the form of cash (a change which would require primary legislation). In the meantime, among other changes, the Home Office should recruit charity shops and local retailers onto the scheme, should provide bus passes to those supported on Section 4, and should allow the card balance to be checked online and at supermarket customer service desks.

The Children's Society report also commented on Section 4 support and recommended the abolition of the current system.

The Home Affairs Select Committee of the House of Commons carried out an inquiry into asylum in 2013. Part of this concerned the asylum support system. They expressed concern about the level of successful

appeals against decisions to refuse asylum support. They also said that Section 4 support was not the solution for people who cannot be returned and called on the Government to find a better way forward.

The Asylum Support Appeals Project offers free legal representation and advice to people who are appealing against the refusal of asylum support.

In April 2014, in a case brought by Refugee Action, the High Court ruled that the Home Secretary's decision in 2014 to again freeze the level of asylum support was flawed. The Court said that the Home Secretary had failed to take into account the extent of the decrease in asylum support rates in real terms since 2007, and in absolute terms since the support level was frozen in 2011. The Home Secretary was ordered to reconsider. The final outcome of the reconsideration, with the announcement of a fixed rate per person, was referred to above.

Links

The Refugee Council's response to the August 2015 consultation can be found at

http://www.refugeecouncil.org.uk/assets/0003/5789/Refugee_Council_response_to_asylum_support_consultation.pdf

The Children's Society report can be found at:

<http://www.childrenssociety.org.uk/what-we-do/policy-and-lobbying/parliamentary-work/parliamentary-inquiry-asylum-support-children-an-1>

The Asylum Support Partnership report can be found at:

http://www.refugeecouncil.org.uk/policy_research/research/p2

The Asylum Support Appeals Project can be contacted at:

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

The Select Committee report can be found at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/publications/?type=&session=1&sort=false&inquiry=all>

The report from Refugee Action on the High Court case can be found at:

http://www.refugee-action.org.uk/about/media_centre/our_news/1151_judicial_review_finds_home_secretary_acted_unlawfully_in_treatment_of_asylum_seekers

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.