
STATUTORY INSTRUMENTS

2000 No. 704

IMMIGRATION

The Asylum Support Regulations 2000

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| <i>Made</i> | - - - - | <i>6th March 2000</i> |
| <i>Laid before Parliament</i> | | <i>13th March 2000</i> |
| <i>Coming into force</i> | - - | <i>3rd April 2000</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 94, 95, 97, 114, 166 and 167 of and Schedule 8 to the Immigration and Asylum Act 1999⁽¹⁾, hereby makes the following Regulations:

General

Citation and commencement

1. These Regulations may be cited as the Asylum Support Regulations 2000 and shall come into force on 3rd April 2000.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Immigration and Asylum Act 1999;

“asylum support” means support provided under section 95 of the Act;

“dependant” has the meaning given by paragraphs (4) and (5);

“the interim Regulations” means the Asylum Support (Interim Provisions) Regulations 1999⁽²⁾;

“married couple” means a man and woman who are married to each other and are members of the same household; and

“unmarried couple” means a man and woman who, though not married to each other, are living together as if married.

(2) The period of 14 days is prescribed for the purposes of section 94(3) of the Act (day on which a claim for asylum is determined).

(3) Paragraph (2) does not apply in relation to a case to which the interim Regulations apply (for which case, provision corresponding to paragraph (2) is made by regulation 2(6) of those Regulations).

(1) 1999 c. 33.

(2) S.I.1999/3056.

(4) In these Regulations “dependant”, in relation to an asylum-seeker, a supported person or an applicant for asylum support, means, subject to paragraph (5), a person in the United Kingdom (“the relevant person”) who—

- (a) is his spouse;
- (b) is a child of his or of his spouse, is dependant on him and is, or was at the relevant time, under 18;
- (c) is a member of his or his spouse’s close family and is, or was at the relevant time, under 18;
- (d) had been living as part of his household—
 - (i) for at least six of the twelve months before the relevant time, or
 - (ii) since birth,
 and is, or was at the relevant time, under 18;
- (e) is in need of care and attention from him or a member of his household by reason of a disability and would fall within sub-paragraph (c) or (d) but for the fact that he is not, and was not at the relevant time, under 18;
- (f) had been living with him as a member of an unmarried couple for at least two of the three years before the relevant time;
- (g) is living as part of his household and was, immediately before 6th December 1999 (the date when the interim Regulations came into force), receiving assistance from a local authority under section 17 of the Children Act 1989(3);
- (h) is living as part of his household and was, immediately before the coming into force of these Regulations, receiving assistance from a local authority under—
 - (i) section 22 of the Children (Scotland) Act 1995(4); or
 - (ii) Article 18 of the Children (Northern Ireland) Order 1995(5); or
- (i) has made a claim for leave to enter or remain in the United Kingdom, or for variation of any such leave, which is being considered on the basis that he is dependant on the asylum-seeker;

and in relation to a supported person, or an applicant for asylum support, who is himself a dependant of an asylum-seeker, also includes the asylum-seeker if in the United Kingdom.

(5) Where a supported person or applicant for asylum support is himself a dependant of an asylum-seeker, a person who would otherwise be a dependant of the supported person, or of the applicant, for the purposes of these Regulations is not such a dependant unless he is also a dependant of the asylum-seeker or is the asylum-seeker.

- (6) In paragraph (4), “the relevant time”, in relation to the relevant person, means—
- (a) the time when an application for asylum support for him was made in accordance with regulation 3(3); or
 - (b) if he has joined a person who is already a supported person in the United Kingdom and sub-paragraph (a) does not apply, the time when he joined that person in the United Kingdom.

(7) Where a person, by falling within a particular category in relation to an asylum-seeker or supported person, is by virtue of this regulation a dependant of the asylum-seeker or supported person for the purposes of these Regulations, that category is also a prescribed category for the purposes of paragraph (c) of the definition of “dependant” in section 94(1) of the Act and, accordingly, the person is a dependant of the asylum-seeker or supported person for the purposes of Part VI of the Act.

(3) 1989 c. 41.

(4) 1995 c. 36.

(5) S.I. 1995/755 (N.I. 2).

(8) Paragraph (7) does not apply to a person who is already a dependant of the asylum-seeker or supported person for the purposes of Part VI of the Act because he falls within either of the categories mentioned in paragraphs (a) and (b) of the definition of “dependant” in section 94(1) of the Act.

(9) Paragraph (7) does not apply for the purposes of any reference to a “dependant” in Schedule 9 to the Act.

Initial application for support

Initial application for support: individual and group applications

3.—(1) Either of the following—

- (a) an asylum-seeker, or
- (b) a dependant of an asylum-seeker,

may apply to the Secretary of State for asylum support.

(2) An application under this regulation may be—

- (a) for asylum support for the applicant alone; or
- (b) for asylum support for the applicant and one or more dependants of his.

(3) The application must be made by completing in full and in English the form for the time being issued by the Secretary of State for the purpose; and any form so issued shall be the form shown in the Schedule to these Regulations or a form to the like effect.

(4) The application may not be entertained by the Secretary of State unless it is made in accordance with paragraph (3).

(5) The Secretary of State may make further enquiries of the applicant about any matter connected with the application.

(6) Paragraphs (3) and (4) do not apply where a person is already a supported person and asylum support is sought for a dependant of his for whom such support is not already provided (for which case, provision is made by regulation 15).

Persons excluded from support

4.—(1) The following circumstances are prescribed for the purposes of subsection (2) of section 95 of the Act as circumstances where a person who would otherwise fall within subsection (1) of that section is excluded from that subsection (and, accordingly, may not be provided with asylum support).

(2) A person is so excluded if he is applying for asylum support for himself alone and he falls within paragraph (4) by virtue of any sub-paragraph of that paragraph.

(3) A person is so excluded if—

- (a) he is applying for asylum support for himself and other persons, or he is included in an application for asylum support made by a person other than himself;
- (b) he falls within paragraph (4) (by virtue of any sub-paragraph of that paragraph); and
- (c) each of the other persons to whom the application relates also falls within paragraph (4) (by virtue of any sub-paragraph of that paragraph).

(4) A person falls within this paragraph if at the time when the application is determined—

- (a) he is a person to whom interim support applies; or
- (b) he is a person to whom social security benefits apply; or

- (c) he has not made a claim for leave to enter or remain in the United Kingdom, or for variation of any such leave, which is being considered on the basis that he is an asylum-seeker or dependent on an asylum-seeker.

(5) For the purposes of paragraph (4), interim support applies to a person if—

- (a) at the time when the application is determined, he is a person to whom, under the interim Regulations, support under regulation 3 of those Regulations must be provided by a local authority;
- (b) sub-paragraph (a) does not apply, but would do so if the person had been determined by the local authority concerned to be an eligible person; or
- (c) sub-paragraph (a) does not apply, but would do so but for the fact that the person's support under those Regulations was (otherwise than by virtue of regulation 7(1)(d) of those Regulations) refused under regulation 7, or suspended or discontinued under regulation 8, of those Regulations;

and in this paragraph “local authority”, “local authority concerned” and “eligible person” have the same meanings as in the interim Regulations.

(6) For the purposes of paragraph (4), a person is a person to whom social security benefits apply if he is—

- (a) a person who by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000⁽⁶⁾ is not excluded by section 115(1) of the Act from entitlement to—
- (i) income-based jobseeker's allowance under the Jobseekers Act 1995⁽⁷⁾; or
- (ii) income support, housing benefit or council tax benefit under the Social Security Contributions and Benefits Act 1992⁽⁸⁾;
- (b) a person who, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000⁽⁹⁾ is not excluded by section 115(2) of the Act from entitlement to—
- (i) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995⁽¹⁰⁾; or
- (ii) income support or housing benefit under the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹¹⁾;

(7) A person is not to be regarded as falling within paragraph (2) or (3) if, when asylum support is sought for him, he is a dependant of a person who is already a supported person.

(8) The circumstances prescribed by paragraphs (2) and (3) are also prescribed for the purposes of section 95(2), as applied by section 98(3), of the Act as circumstances where a person who would otherwise fall within subsection (1) of section 98 is excluded from that subsection (and, accordingly, may not be provided with temporary support under section 98).

(9) For the purposes of paragraph (8), paragraphs (2) and (3) shall apply as if any reference to an application for asylum support were a reference to an application for support under section 98 of the Act.

⁽⁶⁾ S.I. 2000/636.

⁽⁷⁾ 1995 c. 18.

⁽⁸⁾ 1992 c. 4.

⁽⁹⁾ S.R. (N.I.) 2000 No. 71.

⁽¹⁰⁾ S.I. 1995/2705 (N.I. 15).

⁽¹¹⁾ 1992 c. 7.

Determining whether persons are destitute

Determination where application relates to more than one person, etc.

5.—(1) Subject to paragraph (2), where an application in accordance with regulation 3(3) is for asylum support for the applicant and one or more dependants of his, in applying section 95(1) of the Act the Secretary of State must decide whether the applicant and all those dependants, taken together, are destitute or likely to become destitute within the period prescribed by regulation 7.

(2) Where a person is a supported person, and the question falls to be determined whether asylum support should in future be provided for him and one or more other persons who are his dependants and are—

- (a) persons for whom asylum support is also being provided when that question falls to be determined; or
- (b) persons for whom the Secretary of State is then considering whether asylum support should be provided,

in applying section 95(1) of the Act the Secretary of State must decide whether the supported person and all those dependants, taken together, are destitute or likely to become destitute within the period prescribed by regulation 7.

Income and assets to be taken into account

6.—(1) This regulation applies where it falls to the Secretary of State to determine for the purposes of section 95(1) of the Act whether—

- (a) a person applying for asylum support, or such an applicant and any dependants of his, or
- (b) a supported person, or such a person and any dependants of his,

is or are destitute or likely to become so within the period prescribed by regulation 7.

(2) In this regulation “the principal” means the applicant for asylum support (where paragraph (1)(a) applies) or the supported person (where paragraph (1)(b) applies).

(3) The Secretary of State must ignore—

- (a) any asylum support, and
- (b) any support under section 98 of the Act,

which the principal or any dependant of his is provided with or, where the question is whether destitution is likely within a particular period, might be provided with in that period.

(4) But he must take into account—

- (a) any other income which the principal, or any dependant of his, has or might reasonably be expected to have in that period;
- (b) any other support which is available to the principal or any dependant of his, or might reasonably be expected to be so available in that period; and
- (c) any assets mentioned in paragraph (5) (whether held in the United Kingdom or elsewhere) which are available to the principal or any dependant of his otherwise than by way of asylum support or support under section 98, or might reasonably be expected to be so available in that period.

(5) Those assets are—

- (a) cash;
- (b) savings;
- (c) investments;

- (d) land;
 - (e) cars or other vehicles; and
 - (f) goods held for the purpose of a trade or other business.
- (6) The Secretary of State must ignore any assets not mentioned in paragraph (5).

Period within which applicant must be likely to become destitute

7. The period prescribed for the purposes of section 95(1) of the Act is—
- (a) where the question whether a person or persons is or are destitute or likely to become so falls to be determined in relation to an application for asylum support and sub-paragraph (b) does not apply, 14 days beginning with the day on which that question falls to be determined;
 - (b) where that question falls to be determined in relation to a supported person, or in relation to persons including a supported person, 56 days beginning with the day on which that question falls to be determined.

Adequacy of existing accommodation

8.—(1) Subject to paragraph (2), the matters mentioned in paragraph (3) are prescribed for the purposes of subsection (5)(a) of section 95 of the Act as matters to which the Secretary of State must have regard in determining for the purposes of that section whether the accommodation of—

- (a) a person applying for asylum support, or
- (b) a supported person for whom accommodation is not for the time being provided by way of asylum support,

is adequate.

(2) The matters mentioned in paragraph (3)(a) and (d) to (g) are not so prescribed for the purposes of a case where the person indicates to the Secretary of State that he wishes to remain in the accommodation.

- (3) The matters referred to in paragraph (1) are—
- (a) whether it would be reasonable for the person to continue to occupy the accommodation;
 - (b) whether the accommodation is affordable for him;
 - (c) whether the accommodation is provided under section 98 of the Act, or otherwise on an emergency basis, only while the claim for asylum support is being determined;
 - (d) whether the person can secure entry to the accommodation;
 - (e) where the accommodation consists of a moveable structure, vehicle or vessel designed or adapted for human habitation, whether there is a place where the person is entitled or permitted both to place it and reside in it;
 - (f) whether the accommodation is available for occupation by the person's dependants together with him;
 - (g) whether it is probable that the person's continued occupation of the accommodation will lead to domestic violence against him or any of his dependants.

(4) In determining whether it would be reasonable for a person to continue to occupy accommodation, regard may be had to the general circumstances prevailing in relation to housing in the district of the local housing authority where the accommodation is.

(5) In determining whether a person's accommodation is affordable for him, the Secretary of State must have regard to—

- (a) any income, or any assets mentioned in regulation 6(5) (whether held in the United Kingdom or elsewhere), which is or are available to him or any dependant of his otherwise than by way of asylum support or support under section 98 of the Act, or might reasonably be expected to be so available;
 - (b) the costs in respect of the accommodation; and
 - (c) the person's other reasonable living expenses.
- (6) In this regulation—
- (a) “domestic violence” means violence from a person who is or has been a close family member, or threats of violence from such a person which are likely to be carried out; and
 - (b) “district of the local housing authority” has the meaning given by section 217(3) of the Housing Act 1996(12).
- (7) The reference in paragraph (1) to subsection (5)(a) of section 95 of the Act does not include a reference to that provision as applied by section 98(3) of the Act.

Essential living needs

9.—(1) The matter mentioned in paragraph (2) is prescribed for the purposes of subsection (7)(b) of section 95 of the Act as a matter to which the Secretary of State may not have regard in determining for the purposes of that section whether a person's essential living needs (other than accommodation) are met.

(2) That matter is his personal preference as to clothing (but this shall not be taken to prevent the Secretary of State from taking into account his individual circumstances as regards clothing).

(3) None of the items and expenses mentioned in paragraph (4) is to be treated as being an essential living need of a person for the purposes of Part VI of the Act.

(4) Those items and expenses are—

- (a) the cost of faxes;
- (b) computers and the cost of computer facilities;
- (c) the cost of photocopying;
- (d) travel expenses, except the expense mentioned in paragraph (5);
- (e) toys and other recreational items;
- (f) entertainment expenses.

(5) The expense excepted from paragraph (4)(d) is the expense of an initial journey from a place in the United Kingdom to accommodation provided by way of asylum support or (where accommodation is not so provided) to an address in the United Kingdom which has been notified to the Secretary of State as the address where the person intends to live.

(6) Paragraph (3) shall not be taken to affect the question whether any item or expense not mentioned in paragraph (4) or (5) is, or is not, an essential living need.

(7) The reference in paragraph (1) to subsection (7)(b) of section 95 of the Act includes a reference to that provision as applied by section 98(3) of the Act and, accordingly, the reference in paragraph (1) to “that section” includes a reference to section 98.

Provision of support

Kind and levels of support for essential living needs

10.—(1) This regulation applies where the Secretary of State has decided that asylum support should be provided in respect of the essential living needs of a person.

(2) As a general rule, asylum support in respect of the essential living needs of that person may be expected to be provided weekly in the form of vouchers redeemable for goods, services and cash whose total redemption value, for any week, equals the amount shown in the second column of the following Table opposite the entry in the first column which for the time being describes that person.

TABLE

| | |
|---|--------|
| Qualifying couple | £57.37 |
| Lone parent aged 18 or over | £36.54 |
| Single person aged 25 or over | £36.54 |
| Single person aged at least 18 but under 25 | £28.95 |
| Person aged at least 16 but under 18 (except a member of a qualifying couple) | £31.75 |
| Person aged under 16 | £26.60 |

(3) In paragraph (1) and the provisions of paragraph (2) preceding the Table, “person” includes “couple”.

(4) In this regulation—

- (a) “qualifying couple” means a married or unmarried couple at least one of whom is aged 18 or over and neither of whom is aged under 16;
- (b) “lone parent” means a parent who is not a member of a married or unmarried couple;
- (c) “single person” means a person who is not a parent or a member of a qualifying couple; and
- (d) “parent” means a parent of a relevant child, that is to say a child who is aged under 18 and for whom asylum support is provided.

(5) Where the Secretary of State has decided that accommodation should be provided for a person (or couple) by way of asylum support, and the accommodation is provided in a form which also meets other essential living needs (such as bed and breakfast, or half or full board), the amounts shown in the Table in paragraph (2) shall be treated as reduced accordingly.

(6) The redemption value of the vouchers redeemable for cash which the Secretary of State may be expected to include in the asylum support provided for any week in accordance with paragraph (2) may, as a general rule, be expected not to exceed £10 per person (or, as the case may be, £20 per qualifying couple).

Additional single payments in respect of essential living needs

11.—(1) At the end of each qualifying period, the Secretary of State may as a general rule be expected to provide, or arrange for the provision of, additional support for an eligible person (in respect of his essential living needs) in the form of a single issue of vouchers redeemable for cash whose total redemption value equals £50.

(2) In paragraph (1) “eligible person” means a person for whom asylum support has been provided for the whole of the qualifying period.

- (3) Each of the following is a qualifying period—
- (a) the period of six months beginning with the day on which asylum support was first provided for the person; and
 - (b) each period of six months beginning with a re-start day.
- (4) Each of the following is a re-start day—
- (a) the day after the day on which the period mentioned in paragraph (3)(a) ends; and
 - (b) the day after the day on which a period mentioned in paragraph (3)(b) ends.
- (5) Paragraph (1) applies only if an application for the additional support is made to the Secretary of State by or on behalf of the eligible person.
- (6) Where a person is, in the opinion of the Secretary of State, responsible without reasonable excuse for a delay in the determination of his claim for asylum, the Secretary of State may treat any qualifying period as extended by the period of delay.

Income and assets to be taken into account in providing support

12.—(1) This regulation applies where it falls to the Secretary of State to decide the level or kind of asylum support to be provided for—

- (a) a person applying for asylum support, or such an applicant and any dependants of his; or
 - (b) a supported person, or such a person and any dependants of his.
- (2) In this regulation “the principal” means the applicant for asylum support (where paragraph (1) (a) applies) or the supported person (where paragraph (1)(b) applies).
- (3) The Secretary of State must take into account—
- (a) any income which the principal or any dependant of his has or might reasonably be expected to have,
 - (b) support which is or might reasonably be expected to be available to the principal or any dependant of his, and
 - (c) any assets mentioned in regulation 6(5) (whether held in the United Kingdom or elsewhere) which are or might reasonably be expected to be available to the principal or any dependant of his,

otherwise than by way of asylum support.

Accommodation

13.—(1) The matters mentioned in paragraph (2) are prescribed for the purposes of subsection (2) (b) of section 97 of the Act as matters to which regard may not be had when exercising the power under section 95 of the Act to provide accommodation for a person.

- (2) Those matters are—
- (a) his personal preference as to the nature of the accommodation to be provided; and
 - (b) his personal preference as to the nature and standard of fixtures and fittings;

but this shall not be taken to prevent the person’s individual circumstances, as they relate to his accommodation needs, being taken into account.

Services

14.—(1) The services mentioned in paragraph (2) may be provided or made available by way of asylum support to persons who are otherwise receiving such support, but may be so provided only for the purpose of maintaining good order among such persons.

- (2) Those services are—
- (a) education, including English language lessons,
 - (b) sporting or other developmental activities.

Change of circumstances

Change of circumstances

15.—(1) If a relevant change of circumstances occurs, the supported person concerned or a dependant of his must, without delay, notify the Secretary of State of that change of circumstances.

- (2) A relevant change of circumstances occurs where a supported person or a dependant of his—
- (a) is joined in the United Kingdom by a dependant or, as the case may be, another dependant, of the supported person;
 - (b) receives or gains access to any money, or other asset mentioned in regulation 6(5), that has not previously been declared to the Secretary of State;
 - (c) becomes employed;
 - (d) becomes unemployed;
 - (e) changes his name;
 - (f) gets married;
 - (g) starts living with a person as if married to that person;
 - (h) gets divorced;
 - (i) separates from a spouse, or from a person with whom he has been living as if married to that person;
 - (j) becomes pregnant;
 - (k) has a child;
 - (l) leaves school;
 - (m) starts to share his accommodation with another person;
 - (n) moves to a different address, or otherwise leaves his accommodation;
 - (o) goes into hospital;
 - (p) goes to prison or is otherwise held in custody;
 - (q) leaves the United Kingdom; or
 - (r) dies.

(3) If, on being notified of a change of circumstances, the Secretary of State considers that the change may be one—

- (a) as a result of which asylum support should be provided for a person for whom it was not provided before, or
- (b) as a result of which asylum support should no longer be provided for a person, or
- (c) which may otherwise affect the asylum support which should be provided for a person,

he may make further enquiries of the supported person or dependant who gave the notification.

(4) The Secretary of State may, in particular, require that person to provide him with such information as he considers necessary to determine whether, and if so, what, asylum support should be provided for any person.

Contributions

Contributions

16.—(1) This regulation applies where, in deciding the level of asylum support to be provided for a person who is or will be a supported person, the Secretary of State is required to take into account income, support or assets as mentioned in regulation 12(3).

(2) The Secretary of State may—

- (a) set the asylum support for that person at a level which does not reflect the income, support or assets; and
- (b) require from that person payments by way of contributions towards the cost of the provision for him of asylum support.

(3) A supported person must make to the Secretary of State such payments by way of contributions as the Secretary of State may require under paragraph (2).

(4) Prompt payment of such contributions may be made a condition (under section 95(9) of the Act) subject to which asylum support for that person is provided.

Recovery of sums by Secretary of State

Recovery where assets become realisable

17.—(1) This regulation applies where it appears to the Secretary of State at any time (the relevant time)—

- (a) that a supported person had, at the time when he applied for asylum support, assets of any kind in the United Kingdom or elsewhere which were not capable of being realised; but
- (b) that those assets have subsequently become, and remain, capable of being realised.

(2) The Secretary of State may recover from that person a sum not exceeding the recoverable sum.

(3) Subject to paragraph (5), the recoverable sum is a sum equal to whichever is the less of—

- (a) the monetary value of all the asylum support provided to the person up to the relevant time; and
- (b) the monetary value of the assets concerned.

(4) As well as being recoverable as mentioned in paragraph 11(2)(a) of Schedule 8 to the Act, an amount recoverable under this regulation may be recovered by deduction from asylum support.

(5) The recoverable sum shall be treated as reduced by any amount which the Secretary of State has by virtue of this regulation already recovered from the person concerned (whether by deduction or otherwise) with regard to the assets concerned.

Overpayments: method of recovery

18. As well as being recoverable as mentioned in subsection (3) of section 114 of the Act, an amount recoverable under subsection (2) of that section may be recovered by deduction from asylum support.

Breach of conditions and suspension and discontinuation of support

Breach of conditions: decision whether to provide support

19.—(1) When deciding—

- (a) whether to provide, or to continue to provide, asylum support for any person or persons, or

(b) the level or kind of support to be provided for any person or persons, the Secretary of State may take into account the extent to which any relevant condition has been complied with.

(2) A relevant condition is a condition subject to which asylum support for that person or any of those persons is being, or has previously been, provided.

Suspension or discontinuation of support

20.—(1) Asylum support for a supported person and his dependants (if any), or for one or more dependants of a supported person, may be suspended or discontinued if—

- (a) the Secretary of State has reasonable grounds to suspect that the supported person or any dependant of his has failed without reasonable excuse to comply with any condition subject to which the asylum support is provided;
- (b) the Secretary of State has reasonable grounds to suspect that the supported person or any dependant of his has committed an offence under Part VI of the Act;
- (c) the Secretary of State has reasonable grounds to suspect that the supported person has intentionally made himself and his dependants (if any) destitute;
- (d) the supported person or any dependant of his for whom asylum support is being provided ceases to reside at the authorised address; or
- (e) the supported person or any dependant of his for whom asylum support is being provided is absent from the authorised address—
 - (i) for more than seven consecutive days and nights, or
 - (ii) for a total of more than 14 days and nights in any six month period,
 without the permission of the Secretary of State.

(2) For the purposes of this regulation, a person has intentionally made himself destitute if he appears to be, or to be likely to become within the period prescribed by regulation 7, destitute as a result of an act or omission deliberately done or made by him or any dependant of his without reasonable excuse while in the United Kingdom.

(3) For the purposes of this regulation, the authorised address is—

- (a) the accommodation provided for the supported person and his dependants (if any) by way of asylum support; or
- (b) if no accommodation is so provided, the address notified by the supported person to the Secretary of State in his application for asylum support or, where a change of his address has been notified to the Secretary of State under regulation 15, the address for the time being so notified.

Effect of previous suspension or discontinuation

21.—(1) Where—

- (a) an application for asylum support is made,
- (b) the applicant or any other person to whom the application relates has previously had his asylum support suspended or discontinued under regulation 20, and
- (c) there has been no material change of circumstances since the suspension or discontinuation,

the application need not be entertained unless the Secretary of State considers that there are exceptional circumstances which justify its being entertained.

(2) A material change of circumstances is one which, if the applicant were a supported person, would have to be notified to the Secretary of State under regulation 15.

(3) This regulation is without prejudice to the power of the Secretary of State to refuse the application even if he has entertained it.

Notice to quit

Notice to quit

22.—(1) If—

- (a) as a result of asylum support, a person has a tenancy or licence to occupy accommodation,
- (b) one or more of the conditions mentioned in paragraph (2) is satisfied, and
- (c) he is given notice to quit in accordance with paragraph (3) or (4),

his tenancy or licence is to be treated as ending with the period specified in that notice, regardless of when it could otherwise be brought to an end.

(2) The conditions are that—

- (a) the asylum support is suspended or discontinued as a result of any provision of regulation 20;
- (b) the relevant claim for asylum has been determined;
- (c) the supported person has ceased to be destitute; or
- (d) he is to be moved to other accommodation.

(3) A notice to quit is in accordance with this paragraph if it is in writing and—

- (a) in a case where sub-paragraph (a), (c) or (d) of paragraph (2) applies, specifies as the notice period a period of not less than seven days; or
- (b) in a case where the Secretary of State has notified his decision on the relevant claim for asylum to the claimant, specifies as the notice period a period at least as long as whichever is the greater of—
 - (i) seven days; or
 - (ii) the period beginning with the date of service of the notice to quit and ending with the date of determination of the relevant claim for asylum (found in accordance with section 94(3) of the Act).

(4) A notice to quit is in accordance with this paragraph if—

- (a) it is in writing;
- (b) it specifies as the notice period a period of less than seven days; and
- (c) the circumstances of the case are such that that notice period is justified.

Meaning of “destitute” for certain other purposes

Meaning of “destitute” for certain other purposes

23.—(1) In this regulation “the relevant enactments” means—

- (a) section 21(1A) of the National Assistance Act 1948(**13**);
- (b) section 45(4A) of the Health Services and Public Health Act 1968(**14**);

(13) 1948 c. 29. Section 21(1A) was inserted by section 116 of the Immigration and Asylum Act 1999.

(14) 1968 c. 46. Section 45(4A) was inserted by section 117 of the Immigration and Asylum Act 1999.

- (c) paragraph 2(2A) of Schedule 8 to the National Health Service Act 1977**(15)**;
- (d) sections 12(2A), 13A(4) and 13B(3) of the Social Work (Scotland) Act 1968**(16)**;
- (e) sections 7(3) and 8(4) of the Mental Health (Scotland) Act 1984**(17)**; and
- (f) Articles 7(3) and 15(6) of the Health and Personal Social Services (Northern Ireland) Order 1972**(18)**.

(2) The following provisions of this regulation apply where it falls to an authority, or the Department, to determine for the purposes of any of the relevant enactments whether a person is destitute.

(3) Paragraphs (3) to (6) of regulation 6 apply as they apply in the case mentioned in paragraph (1) of that regulation, but as if references to the principal were references to the person whose destitution or otherwise is being determined and references to the Secretary of State were references to the authority or (as the case may be) Department.

(4) The matters mentioned in paragraph (3) of regulation 8 (read with paragraphs (4) to (6) of that regulation) are prescribed for the purposes of subsection (5)(a) of section 95 of the Act, as applied for the purposes of any of the relevant enactments, as matters to which regard must be had in determining for the purposes of any of the relevant enactments whether a person's accommodation is adequate.

(5) The matter mentioned in paragraph (2) of regulation 9 is prescribed for the purposes of subsection (7)(b) of section 95 of the Act, as applied for the purposes of any of the relevant enactments, as a matter to which regard may not be had in determining for the purposes of any of the relevant enactments whether a person's essential living needs (other than accommodation) are met.

(6) Paragraphs (3) to (6) of regulation 9 shall apply as if the reference in paragraph (3) to Part VI of the Act included a reference to the relevant enactments.

(7) The references in regulations 8(5) and 9(2) to the Secretary of State shall be construed, for the purposes of this regulation, as references to the authority or (as the case may be) Department.

Home Office
6th March 2000

Barbara Roche
Minister of State

(15) 1977 c. 49. Paragraph 2(2A) of Schedule 8 was inserted by section 117 of the Immigration and Asylum Act 1999.

(16) 1968 c. 49. Sections 12(2A), 13A(4) and 13B(3) were inserted by section 120 of the Immigration and Asylum Act 1999.

(17) 1984 c. 36. Sections 7(3) and 8(4) were inserted by section 120 of the Immigration and Asylum Act 1999.

(18) S.I. 1972/1265 (N.I. 14). Articles 7(3) and 15(6) were inserted by section 121 of the Immigration and Asylum Act 1999.

SCHEDULE

Regulation 3(3)

APPLICATION FORM AND NOTES
National Asylum Support Service

Application form

Please read the guidance notes before you fill in this form.

Please fill in this form in BLOCK CAPITALS using black ink.

| Section 1 | | About you—please read note 1 | | |
|--|-----------------------------------|-------------------------------------|-------------------------------------|-----------------------------------|
| Title | Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> |
| | Other <input type="checkbox"/> | Please give details | | |
| Surname | <input type="text"/> | | | |
| Other names | <input type="text"/> | | | |
| Names that you have previously used | <input type="text"/> | | | |
| Date of birth | <input type="text"/> | | | |
| Nationality | <input type="text"/> | | | |
| Are you: | male? <input type="checkbox"/> | female? <input type="checkbox"/> | | |
| Are you: | married? <input type="checkbox"/> | divorced? <input type="checkbox"/> | separated? <input type="checkbox"/> | widowed? <input type="checkbox"/> |
| | single? <input type="checkbox"/> | other? <input type="checkbox"/> | Please give details..... | |
| Which language is easiest for you to speak and understand? | <input type="text"/> | | | |
| Are you reasonably fluent in English? | yes <input type="checkbox"/> | no <input type="checkbox"/> | | |
| Would you need an interpreter? | yes <input type="checkbox"/> | no <input type="checkbox"/> | | |

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| Section 2 | | About your asylum application—please read note 2 | |
|--|------------------------------|---|--|
| Are you already claiming for asylum or making an appeal? | Yes <input type="checkbox"/> | Please give details in the boxes below. | |
| | No <input type="checkbox"/> | | |
| If 'No', are you the dependant of an asylum seeker who is currently in the United Kingdom? | Yes <input type="checkbox"/> | Please give details in the boxes below. | |
| | No <input type="checkbox"/> | You are not eligible for support. | |
| If you are the dependant of an asylum seeker in the United Kingdom, please give the following details. | | | |
| Their name | <input type="text"/> | | |
| Their nationality | <input type="text"/> | | |
| Their date of birth | <input type="text"/> | | |
| What date did you apply for asylum? | <input type="text"/> | | |
| Please give the Integrated Casework Directorate reference number. | <input type="text"/> | | |
| Please give the Port reference number. | <input type="text"/> | | |
| If the Integrated Casework Directorate have given you an interview date, please give the following details. | | | |
| The date of the interview. | <input type="text"/> | | |
| Where the interview will take place. | <input type="text"/> | | |
| If you are waiting for an appeal before the Special Adjudicator, the Tribunal, the Court of Appeal or Court of Session in Scotland, or the House of Lords, please provide the following information. | | | |
| The date you made the appeal. | <input type="text"/> | | |
| The type of appeal (Special Adjudicator, Tribunal, Court of Appeal or Court of Session in Scotland, or the House of Lords). | <input type="text"/> | | |
| The hearing centre the appeal is being heard at. | <input type="text"/> | | |
| The reference number | <input type="text"/> | | |

| | | | |
|--|---|--|--|
| Section 3 | | About your support application—please read note 3 | |
| What type of support are you applying for? | Subsistence only <input type="checkbox"/> | Accommodation only <input type="checkbox"/> | |
| | Both <input type="checkbox"/> | | |
| Have you applied for support before? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| Are you currently receiving support from the National Asylum Support Service? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| If you have answered 'Yes' to either of the questions above, please give the following details. | | | |
| The date you applied for support | <input type="text"/> | | |
| Your previous National Asylum Support Service reference number | <input type="text"/> | | |

| | | | |
|--|----------------------|--|--|
| Section 4 | | Your address details—please read note 4 | |
| Please give your address in the United Kingdom | | | |
| | <input type="text"/> | | |
| Phone number | <input type="text"/> | | |
| How long have you lived at this address? | <input type="text"/> | | |

| | | | |
|---|------------------------------|---|--|
| Section 5a | | Other people you have included in your application— please read note 5 | |
| Do you have a husband or wife, partner or dependant children or other relatives, who are in the United Kingdom and who you want to include in this application for support? | | | |
| | Yes <input type="checkbox"/> | Please fill in section 5b. | |
| | No <input type="checkbox"/> | please go to section 6a. | |

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| | | | | | |
|---|---|--|--|--|-------------|
| Section 5b | | | Details about the other people you have included in this application—please read note 5 | | |
| Dependant 1 | | | | | |
| Surname: | | | Other names: | | |
| Date of birth: <input type="text"/> / <input type="text"/> / <input type="text"/> | Are they male? <input type="checkbox"/> | | female? <input type="checkbox"/> | | Nationality |
| Their relationship to you: | | | | | |
| Name and address of school, college or university (if this applies) | | | Address (if different from the main applicant): | | |
| How long have they been at this school? | | | | | |
| Dependant 2 | | | | | |
| Surname: | | | Other names: | | |
| Date of birth: <input type="text"/> / <input type="text"/> / <input type="text"/> | Are they male? <input type="checkbox"/> | | female? <input type="checkbox"/> | | Nationality |
| Their relationship to you: | | | | | |
| Name and address of school, college or university (if this applies) | | | Address (if different from the main applicant): | | |
| How long have they been at this school? | | | | | |
| Dependant 3 | | | | | |
| Surname: | | | Other names: | | |
| Date of birth: <input type="text"/> / <input type="text"/> / <input type="text"/> | Are they male? <input type="checkbox"/> | | female? <input type="checkbox"/> | | Nationality |
| Their relationship to you: | | | | | |
| Name and address of school, college or university (if this applies) | | | Address (if different from the main applicant): | | |
| How long have they been at this school? | | | | | |
| Dependant 4 | | | | | |
| Surname: | | | Other names: | | |
| Date of birth: <input type="text"/> / <input type="text"/> / <input type="text"/> | Are they male? <input type="checkbox"/> | | female? <input type="checkbox"/> | | Nationality |
| Their relationship to you: | | | | | |
| Name and address of school, college or university (if this applies) | | | Address (if different from the main applicant): | | |
| How long have they been at this school? | | | | | |
| Please tick here if you have continued on another sheet <input type="checkbox"/> | | | | | |

| Section 6a | | About your current accommodation—please read note 6 | |
|--|---|--|--|
| Are you currently living in 'emergency accommodation'? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| Are you staying with a relative or friend (other than your dependants)? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| If you are staying with a relative or friend, do you pay? | Yes <input type="checkbox"/> | Please give details below. | |
| | No <input type="checkbox"/> | | |
| | Does not apply <input type="checkbox"/> | | |
| Are you are living in rented accommodation? | Yes <input type="checkbox"/> | Please give details below. | |
| | No <input type="checkbox"/> | | |
| How much rent do you pay? | <input type="text" value="£"/> <input type="text" value="every"/> | | |
| Name of landlord | <input type="text"/> | | |
| Do you live in any other kind of accommodation | <input type="text"/> | | |
| Is there any legal reason why you cannot move from your accommodation? | Yes <input type="checkbox"/> | Please give details below. | |
| | No <input type="checkbox"/> | | |
| Can you afford your accommodation? | Yes <input type="checkbox"/> | | |
| | No <input type="checkbox"/> | Please give details below and go to section 7. | |
| | | | |
| Do you want to stay in your current accommodation | Yes <input type="checkbox"/> | Please go straight to section 7. | |
| | No <input type="checkbox"/> | Please fill in section 6b. | |
| Please tick here if you have continued on another sheet. <input type="checkbox"/> | | | |

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Section 6b More information about your accommodation—please read note 6

You should only fill in this section if you do not want to stay in your current accommodation.

In this section, we may use your answers to decide whether your current accommodation is not adequate for your own needs, and, if you have any, your dependants' needs.

If you are staying with a friend or relative, have they asked you to leave as soon as possible? Yes Please give details below and go to section 7.
No

Is there any other reason why you do not think your current accommodation is adequate? Yes Please give details below.
No Go to section 7a.

Section 7a Friends and relatives—please read note 7

We take into account any support (either accommodation, financial support or other support) that your friends and relatives give you when we decide whether or not you are eligible for support. In this section, you should tell us whether or not any friends or relatives can give you support.

Can any friends or relatives in the UK provide you with adequate accommodation? (Please see note 6b for guidance on accommodation.) Yes Please give details in section 7b.
No

Can any friends or relatives (whether in the UK or elsewhere) provide you with financial support, or support other than accommodation? Yes Please give details in section 7b.
No

If you have answered “No” to both questions, you should go straight to section 8.

| Section 7b | | Support from friends, relatives or other sources | |
|---|--|---|--|
| Name: | | | |
| Address: | | | |
| Their relationship to you: | | Occupation: | |
| Immigration status (if they live in the UK): | | | |
| Details of the support they can give you: | | | |
| | | | |
| Name: | | | |
| Address: | | | |
| Their relationship to you: | | Occupation: | |
| Immigration status (if they live in the UK): | | | |
| Details of the support they can give you: | | | |
| | | | |
| Name: | | | |
| Address: | | | |
| Their relationship to you: | | Occupation: | |
| Immigration status (if they live in the UK): | | | |
| Details of the support they can give you: | | | |
| | | | |
| Name: | | | |
| Address: | | | |
| Their relationship to you: | | Occupation: | |
| Immigration status (if they live in the UK): | | | |
| Details of the support they can give you: | | | |
| | | | |
| Name: | | | |
| Address: | | | |
| Their relationship to you: | | Occupation: | |
| Immigration status (if they live in the UK): | | | |
| Details of the support they can give you: | | | |
| | | | |
| Please tick here if you have continued on another sheet. <input type="checkbox"/> | | | |

| Section 10 | | State benefits—please read note 10 | |
|--|--------------------------------|---|-----------------------------|
| Are you, or any of your dependants, currently receiving any benefits? | Yes | <input type="checkbox"/> | No <input type="checkbox"/> |
| If 'Yes', please give the following information. | | | |
| Type of benefit. | <input type="text"/> | | |
| Amount of benefit. | <input type="text" value="£"/> | | |
| How often you receive the benefit. | <input type="text"/> | | |
| Have you, or any of your dependants, previously been receiving any benefits? | Yes | <input type="checkbox"/> | No <input type="checkbox"/> |
| If 'Yes', please give the following information. | | | |
| Type of benefit. | <input type="text"/> | | |
| Amount of benefit. | <input type="text" value="£"/> | | |
| How often you receive the benefit. | <input type="text"/> | | |
| When and why did these benefits stop? Please give details below. | | | |
| <input type="text"/> | | | |

| Section 11 | | Accommodation | |
|---|----------------------|----------------------|--|
| You should only fill in this section if you have asked us for accommodation. | | | |
| if appropriate, please tell us your ethnic group. | <input type="text"/> | | |
| Please tell us your religion and any specific needs connected to your faith. | <input type="text"/> | | |

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Section 11 Continued

Do you, or any of your dependants, suffer from any medical condition that you need treatment, medication or counselling for? Yes No

If 'Yes', please provide details below of your condition and any treatment or medication you receive.

| Name | Condition | Treatment or medication |
|------|-----------|-------------------------|
| | | |

Who is providing treatment?

Doctor's name

Surgery or hospital address

The date of your next appointment (if this applies)

Do you, or any of your dependants, have a disability that will affect the type of accommodation you are given? Yes No

If 'Yes', please give details about the disability and any requirements you may have with regard to your accommodation.

Do you, or any of your dependants, have any special dietary requirements? Yes No

If 'Yes', please give details.

Any other information.

Please tick here if you have continued on another sheet.

Section 12 Other information—please read note 12

Please give any other information that you feel we should take into account.

Please list the documents you have sent in to support this application, for example, letters, medical certificates and passport sized photographs.

Please tick here if you have continued on another sheet.

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Section 13 Warning and declaration—please read note 13

This is my claim for support under the Immigration and Asylum Act 1999. I also want to claim help with health costs for myself and my family listed in section 5 of this form.

Warning and declaration. You must now read the declaration below and sign it.

I confirm that the information I have given on this form is correct and complete. I understand that if I give false information, you may take action against me and I could be prosecuted. I confirm that I will tell you if my circumstances change or there is new information that is relevant to this application. ***I agree that you can pass the information on this form to the Prescription Pricing Authority so they can give me and my family listed in section 5 of this form, help towards health costs.*** You can also use this information to check I, and my family listed in section 5 on this form, am entitled to help and to prevent or detect fraud.

Your signature:

Name (please print):

Date:

Can we give your details to the local health authority and, if your dependants are under 16, the local education authority in the area where you will be living?

Yes

No You should read Note 13 before you tick this box.

Section 14 If someone helped you to fill in the form—please read note 14

Did anyone help you to fill in this form? Yes No

If 'Yes', please give the following details.

Name of assistant or representative

Organisation and address

Phone number

Reference number

Did an interpreter help you fill in this form? Yes No

If 'Yes', please give the following details.

Name of interpreter

Organisation

Contact number

If you have filled in this form for the applicant, you should sign the declaration below.

I can confirm that I have included all the necessary information in this application. I have accurately recorded the information that the applicant gave me.

I can also confirm that I have signed the enclosed photograph of the main applicant.

Your signature:

Name (please print):

Date:

NOTES

Statement of confidentiality

We will treat information you give us in confidence. However, we may give it to other government departments, agencies and local authorities. We will give information to our accommodation providers, voucher providers, the voluntary sector reception assistants and the post office. This is so they can give you the support we ask them to provide. We will give the police information, if necessary, so they can prevent, detect, investigate or prosecute criminal offences.

You should fill in this form if:

- you have claimed for asylum in the United Kingdom under the Refugee Convention and are waiting for a decision;
- you have claimed for asylum under Article 3 of the European Convention on Human Rights, and are waiting for a decision;
- you are the dependant of an asylum seeker, as defined in Section 5 of this guidance, and no application for support has been made for you; or
- you have appealed against the refusal of your asylum claim, and a special adjudicator, the Tribunal, the Court of Appeal (or Court of Session in Scotland) or the House of Lords have not made a decision yet; and
- you, and any dependants, are, or are likely to become homeless or lose all financial resources within the next 14 days.

How to make an application

When you have filled in the application form NASS1, you may fax it to us (NASS) on You should also send the original application form, and four passport-size photographs of the main applicant by post. You should include any documents we need as evidence.

You do not have to send your application by fax, but if you do we can consider your application as early as possible. This means you will know what help we can give you in a short time.

What happens next

When we receive your application, an officer will check to see if you can get support. When we complete the assessment, we will tell you the decision by writing to you.

If you are successful, we will provide a support package for you. We will send the details to you as soon as they are agreed. Sometimes, it will be possible to decide the case, and to complete support arrangements, within a short period. If this is the case, we will tell you about the decision and support package at the same time.

If we refuse your application, we will write to you and tell you why. You will have the right to appeal to an adjudicator against this decision, and we will provide information on how to appeal.

How long will an application take

We aim to make a decision within two working days of receiving your application. Each case will be different, and it is impossible to guarantee that all cases will meet this target. However, we will make sure that we contact you within seven days of receiving your application. We will tell you why there is a delay or tell you our decision.

You can write to us at:

National Asylum Support Service
30 Wellesley Road
Croydon
Surrey CR0 2AD.

Telephone: 0845 602 1739

Fax: 0845 601 1143

Note 1—About you

You should fill in section 1 with the details of the person who is applying for support. If you are the dependant of an asylum seeker who is in the United Kingdom you should fill in your details. You should fill in the details of the main asylum applicant in section 2. (You should make sure that you read the section 2 notes carefully before you fill in the section.)

Surname

You should only put your surname in this section.

Other names

You should give all the other names that you have used. This includes your first name, middle name, personal names and religious names.

Names that you previously used

Give any other names you have used, if they are different from the ones you have given in the previous question. This should include:

- your name when you were born (if different from above);
- your maiden name (the name you used before you got married); and
- any other names that you have used.

Your spoken English and if you need an interpreter

It is important that you consider these questions carefully. Please tell us if you need an interpreter. If we need to discuss your application, we can talk to you in a language that you are comfortable with. We will also make sure that any person who can help you is aware of the language that you speak. This is important as you may need to speak to someone if you have a problem they can deal with. This could be because:

- a pipe in your accommodation has burst;
- your vouchers did not arrive;
- you need to organise a school for your child; or
- a member of your family is ill.

You should only tick 'Yes' if you are reasonably fluent in English. This means that you *are* able to speak and make yourself understood without too much difficulty.

If you need an interpreter for your asylum application, you will need to tell the Immigration and Nationality Directorate. When they contact you to discuss your asylum claim you should let them know.

Note 2

You have already applied for asylum or have made an appeal

You should only tick 'Yes' if one or more of the following applies.

- You have made a claim for asylum under the Refugee Convention, which has not been decided yet.
- You have made a claim for asylum under Article 3 of the Human Rights Convention, which has not been decided yet.
- You have appealed against the refusal of your asylum claim but a Special Adjudicator, the Tribunal, the Court of Appeal (or the Court of Session in Scotland) or the House of Lords has not made a decision yet.
- You are the dependant of an asylum seeker, as defined in section 5 of this guidance; or
- You have received a final decision on your appeal but your household contains a child under the age of 18.

If none of these apply **you are not eligible for support from us**. You should get independent advice on your position.

If you do tick 'Yes', please provide details in the box about your claim for asylum or appeal.

You should always give any reference number that the Integrated Casework Directorate (ICD) has given you. Please also give any other reference numbers you may have received from other immigration authorities, for example, a Port reference number (TN4/123/99). If you have more than one reference number, please give them all (use a separate sheet if necessary).

You may have a date for your asylum interview. If so, you must enter the details in this section.

If you have already claimed for asylum but have not had a decision yet, you should also give:

- the date you made your claim; and
- where and how you made the claim (for example, at Gatwick Airport in person, at the Public Caller Unit in Croydon in person, or by post to the Immigration and Nationality Directorate in Croydon).

If you do not yet know your Integrated Casework Directorate or Home Office reference number, you should, where possible, provide proof of posting. This could be a recorded delivery or registered post number and the date of posting.

This information will help us to confirm that you have already claimed for asylum or have appealed against the refusal of an asylum application.

If you are a dependant of an asylum seeker and you are likely to become homeless or lose your financial resources, you may ask for support under these arrangements. You should fill in the details that we need about the asylum application.

Note 3

Applying for support

You should show the support you are applying for by ticking the box provided. If you need both subsistence (this means you need help to buy essentials, such as food or clothing) and accommodation, you should make sure that you tick the 'both' box.

If you are already receiving support, you should show what support you need now.

So we can identify the application you are making, you should answer the questions about your contact with us. Your application may be delayed if you do not fill in this section.

Note 4

Address

You should give your current address in the United Kingdom. This should be the address you are living at when you make this application for support.

You may live at more than one address. You may spend part of one week with one relative or friend and the rest of the week with another. You should give us the address you want us to send all correspondence to. You should give any other addresses used on a separate sheet and tell us why you have more than one address.

Note 5

Other people you have included in your application

This section is about who you want to include in your application as a dependant.

Dependants must be in the United Kingdom and may be someone who:

- is your husband or wife;
- is your child, or a child of your husband or wife, who is under 18 and depends on you;
- is under 18 and is a member of your, or your husband or wife's, close family;
- is under 18 and has been living as part of your household since they were born or for at least 6 of the 12 months before the day you applied for support for them;
- needs care and attention from you or a member of your household because of a disability and would fall within either of the two categories in the two bullet points immediately preceding this bullet point, except that they are not under 18;
- has been living with you as a member of an unmarried couple for at least two of the three years before the day you claimed for support for them;
- lives as part of your household and who received help from a local authority under section 17 of the Children Act 1989 immediately before 6 December 1999;
- lives as part of your household and who received help from a local authority under section 22 of the Children (Scotland) Act 1995 or Article 18 of the Children (Northern Ireland) Order 1995 immediately before 3 April 2000;
- has claimed for leave to enter or stay in the United Kingdom based on their relationship to you.

If you are making this application for support because you are the dependant of an asylum seeker, you may only include as your dependants either that asylum seeker or dependants of that asylum seeker.

If you have no such dependants, please tick 'No' and go directly to section 6.

Section 5b asks for information about all your dependants you have included in the application. It is important that you answer the questions in full.

(The application form only allows you to give details of four of your dependants. If you have more than four, please give details on a separate sheet.)

If you have included your husband or wife or partner as a dependant, please write their details in the box marked dependant 1. If not, use this box for other dependants.

In each case, you should give their full name, nationality, date of birth, sex and their relationship to you, for example your mother, father or sister. You should provide their current address if it is different from your own. Please explain why they do not live with you on a separate sheet if necessary.

We need to know if your dependants already attend school, college or university. You should provide the address of the school and say how long the dependant has been there.

If you have a husband or wife or partner who:

- is in the United Kingdom; but
- is not included in your application for support; and
- is not able to provide you with support (see section 7);

You should give their details in section 12 'Other information'.

If you receive support for a dependant you have listed in this application, it does not guarantee that they will be treated as a dependant for immigration purposes.

Note 6a

About your current accommodation

In this section you should provide information about where you are living.

If your dependants do not live with you, you should include their details in section 5b. You should also give relevant information about their accommodation, based on the questions in this section, on a separate sheet of paper.

Are you living in 'emergency accommodation'?

Emergency accommodation is temporary accommodation, provided by a voluntary organisation, that is funded by the Home Office. They will give you support while we consider your application. You do not need to provide any more details in this section if you live in emergency accommodation. You should go directly to section 7. You may only stay in emergency accommodation while your claim for support is being decided.

Are you staying with a friend or relative?

If you are living with a friend or relative you should tick the 'Yes' box.

If you are staying with a friend or relative, do you pay?

In this section you should say if you are paying your friend or relative anything. You may contribute towards the food, utility bills (gas, electricity and water), rent or mortgage. If you rent accommodation from a friend or relative but do not live with them, you should tick the 'does not apply' box.

Are you living in rented accommodation?

This is accommodation that you rent from either a private landlord (including relatives) or from a local authority. It can be self-contained accommodation, a hostel, bed and breakfast or a hotel. You should provide details of the amount you pay in rent, for example, £400 a month, and give details of the landlord. If you want to stay in this accommodation you should provide a copy of the rent book. If you are in a hostel or bed and breakfast, you should provide a bill or invoice. **If you do not do so, your application may be delayed.**

Do you live in any other kind of accommodation?

If you are being held under the Immigration Act, you can still apply for support if you are being released or have made a bail application. You should give details about the place you are being held. You should also tell us if you are waiting for the results of a bail hearing. If you were recently released from detention, please give details of the release date and where you were being held.

You should tell us about accommodation that a charity provides, other than emergency accommodation, in this section.

If you own your house or have a mortgage on it, you should give details here of the amount you pay every week or month.

Is there any legal reason why you cannot move from your accommodation?

This may be because you are under police, court or adjudicators bail. You should give details in the box at the end of section 6.

You cannot afford the accommodation

If you cannot afford your accommodation, it is not adequate. This could be because you cannot pay your landlord. Or, if you live with a relative and you do not have enough money to pay what they have asked, the accommodation is not adequate. You should give a brief explanation, for example, 'I have no money to pay the rent'. You should tell us how much your accommodation costs. If you cannot afford other essential living needs, your accommodation is not adequate.

Do you want to stay in your current accommodation?

You do not need to fill in this section if you are being held or if you are in emergency accommodation.

All other applicants should fill in this section. This will help us to decide whether your current accommodation is adequate. If you live in rented accommodation, we will consider whether the rent is reasonable and whether you can afford it.

Note 6b

Adequate accommodation

Your accommodation is not adequate if one of the following apply.

Your licence ends

You may live in accommodation as a licensee. This is when you are staying with, for example, a friend or relative, or living in a hostel or hospital. If they tell you to leave, the licence ends and your accommodation is not adequate. If you are told to leave you should explain why.

General housing circumstances

If your accommodation is worse than other accommodation in your area, it may not be reasonable for you to stay there. We may also consider overcrowding when we compare the general housing conditions in the area. You should give details if you think that this applies to your accommodation.

Is the accommodation available for occupation by your dependants together with you?

If the accommodation is not available for occupation by your dependants together with you, it may not be adequate.

Violence or threats of violence

You should tell us if a person not normally associated with you is likely to cause you or your dependants harm. This may be violence or threats such as:

- racial harassment or attacks;
- physical violence;
- sexual abuse or harassment; and
- harassment because of your religion.

In these circumstances it may not be reasonable for you to stay in your current accommodation.

Domestic violence

You should tell us if a person who normally stays with you as a member of your family is likely to cause you or your dependants harm. Domestic violence may be:

- physical assault;
- sexual abuse; or
- threats and intimidation.

In these circumstances it may not be reasonable for you to stay in your current accommodation.

Served with a valid court order

You should tell us if you have been served with a valid court order for the possession of your home. We would not consider the accommodation to be adequate from the date of the order. You should send us a copy of the court order.

You cannot get into your home

You should tell us if you were illegally evicted, or squatters live in your property illegally. The accommodation is not adequate until you can get back into your home.

Mobile Homes

This includes any accommodation that is a moveable structure, vehicle or vessel, that has been designed for people to live in. You must have the proper permission to live in it. If you do not have this permission, your accommodation is not adequate. You should give details if this is the case.

Note 7

Support from friends and relatives

We will consider *any* support that your friends or relatives in the United Kingdom, or elsewhere, give you when you apply for support.

In section 7a you should say whether any friends or relatives can give you financial support, other than accommodation. If they can you should give details in section 7b.

You should include:

- their current address;
- their relationship to you;
- their immigration status if they live in the United Kingdom; and
- why they are in the United Kingdom.

If they are here temporarily, you should give more details, for example, if they are a visitor, student or asylum seeker.

If you receive financial support, you should give the amount you receive and how often you receive it for example, '£30 a week'. If a friend or relative provides you with accommodation, you should also give details, for example, 'I am staying with my brother in his two-bedroom flat'.

You should only fill in section 7b if a friend or relative can give you support.

Note 8

Cash, savings and assets

We will take account of any:

- cash;
- savings;
- investments; or
- certain types of property,

that belongs to you or your dependants when you apply for support (whether in the United Kingdom or elsewhere).

(Section 7 deals with support from relatives or friends. Section 9 deals with other income and earnings.)

If you have savings, investments or property, you should send us the relevant documents.

You should tell us if you think your assets are not reasonably available to you, or it is not reasonable that you use any of them, and give reasons on a separate sheet of paper. We will then decide whether these items are reasonably available to you or whether it is reasonable for you to use the item.

We will not take account of jewellery. However, you should tell us about it in section 8 if it is worth over £1,000.

We will not take account of any:

- personal clothing;
- bedding; or
- optical (for the eyes) and medical items, including wheelchairs.

Do not include these items on the application form.

Warning

The information about your circumstances must be true. If you give false information so you can get any benefit or other payment, you could go to prison for up to seven years.

Cash

If you, or your dependants, have cash in the United Kingdom or elsewhere you should say how much you have. For example, if you, or your dependants, have 200 Deutschmarks, you should tick the relevant 'Yes' box in section 8. Enter the amount (in Deutschmarks) in the table below it. You should say in the 'Description' box that the currency is 'Deutschmarks'. There is no need for you to work out how much your currency is worth in pound sterling. We will also work out how much it will cost you to change your money into sterling.

You should give details of any cash you, or your dependants have outside the United Kingdom. You should tell us if you can use it. If you can't use it, you should say why. For example, you may have cash in your home in your country of origin, but had no time to collect it before you left, and no one can get it and send it to you.

Savings

You should say if you, or dependants, have any savings. These may be in a bank, building society, post office account or other financial institution. You should say if the account is in the United Kingdom or abroad. You should also say how much is in the account and send us the relevant documents.

You may give the value in the actual currency. You do not have to change the value into pound sterling.

You should say if you can get any money that is held in a financial institution abroad. If you think it would not be possible for you to get your money, you should say why in the section marked 'Description'. For example, your assets may be frozen. We may ask you to send us the relevant documents in these circumstances.

Investments

You must tell us if you, or your dependants, have any investments. This includes any businesses investment and income bonds, life insurance policies, national savings certificates, personal pension scheme, premium bonds, stocks and shares and unit trusts. These investments may be in the United Kingdom or abroad. You should tell us the value of your investments and send us the relevant documents. You may give the value in the actual currency. You do not have to change the value into pound sterling.

If your investments are outside the United Kingdom, you should also say if there is any reason you cannot get to them. You can enter this information in the 'Description' box in section 8. For example, your assets may be frozen. We may ask you to send us the relevant documents.

Property

You, or your dependants, may have land, a house, outbuildings, a garage, business assets or goods, in the United Kingdom or elsewhere. If so, you should tell us how much it is worth and send us the relevant documents. If you, or your dependants, own a car, van, lorry, boat or other motorised vehicle, you must tell us about them. You must include the age, type, model and how much it would be worth if you sold it.

We may give you temporary support, of up to three months, to give you enough time to sell some types of property. In these circumstances we may ask you to send us the relevant documents that show you have tried to sell your property.

If you have property outside the United Kingdom, you should also say if it is available to you. You may not be able to use the property. If so, you should tell us in the 'Description' box in section 8. For example, you may own a house in your country of origin but there is no market for this type of property.

If you live in a property that you own, you will have to arrange to sell the property within six months of making your application. We will treat any money from the sale of your property as cash or savings. You should send evidence that shows you have tried to sell your property three months after you applied to us.

If you do not think that it is reasonable to sell your property, you should say why on a separate sheet of paper. You should send this with your application form.

Jewellery

Although we will not consider the value of jewellery you must tell us about it in section 8. You should list any valuable jewellery, including watches, which belong to you or your dependants if they are worth over £1,000 (current market value). You should describe the item (or items), say where they are and, if known, give an estimate of the current market value.

You must tell us immediately if you sell any of the jewellery you have described on the application form. You must say which item (or items) you sold, and how much money you got. We may take action against you if you do not tell us.

Note 9

Income

In this section you should give details of any other income that you have not already told us about. The income may be from you, or your dependants, if you have any. For example, payments from a pension.

If you receive an income from a friend or relative, you should make sure that you tell us in section 7.

You should not take employment, paid or unpaid, unless you have permission to do so from the Home Office.

If you have permission to work you should tell us:

- your employer's name and address;
- the number of hours you worked every week; and
- the amount you earn every week.

If you are paid weekly or every month, you should send your last five wage slips. If you do not do this **your application may be delayed. We may contact your employer to confirm how much you earn and how many hours you work.**

You should also tell us if you, or anyone you are claiming for, receives support. This may be accommodation, financial support or other support (such as food or clothing). This would include income from a pension, investments, university grants or support from voluntary organisations. You should also say how often you receive the support.

Note 10

State benefits

If you receive state benefits, you must tell us about the benefits you receive. You will need to send us a copy of your benefit book or advice letter. If you have recently lost your benefit because you are no longer eligible, you will need to send us documents to show this. Below is a list of state benefits.

Income-based Jobseeker's Allowance

Severe Disablement Allowance

Invalid Care Allowance

Disability Living Allowance

Income Support

Working Families' Tax Credit

Disabled Person's Tax Credit

A Social Fund Payment

Child Benefit

Housing Benefit

Council Tax Benefit

Support under the Asylum Support (Interim Provisions) Regulations 1999.

Social assistance in Scotland and Northern Ireland, as specified in sections 120 and 121 of the Immigration and Asylum Act 1999.

Note 11

Accommodation

You should fill in this section if you have applied for accommodation

If we offer you accommodation we will try to choose the most suitable accommodation to meet your needs. We will consider your specific household needs. This includes the size of your family, ethnic, racial and cultural backgrounds and health issues.

In this section, you should provide details of any needs which may affect the accommodation that we give you.

Ethnic Group and Religion

You should tell us your ethnic group and religion because it will help us to identify a suitable area for any accommodation that we may give you. We will try to place you where there is a community of people with similar cultures who will understand your particular needs. It will also help us to make sure that the organisations that provide accommodation are sensitive to your cultural needs.

Health

You, or your dependants, may have on-going medical or psychological conditions. If you receive any treatment, medication or counselling, you should tell us in the space provided. It is important that we consider any factors that affect your wellbeing when we decide what accommodation to give you. You should tell us if you have any special requirements because of your medical condition. For example, you have a very bad skin condition which means that you need a bath rather than a shower or, you may need to put your medicine in the fridge.

Disability

If you, or your dependants, suffer from any disability such as blindness, deafness, partial sight, damaged hearing, or problems moving around, you should let us know by filling in this section. Where possible you should tell us about the specific areas where you will need help. We will try to provide support that will meet your needs.

Dietary needs

If you, or your dependants, need a special diet, you should give details in this section. You may have to eat food that is prepared in a special way, for example, Halal meat, or you may have a medical condition that needs a special diet, for example, without gluten.

Any other information

You should use this space to provide any other information that you feel we should consider when we offer accommodation. You may want to give us more information about any of the areas mentioned above. You should tell us if you, or your dependants, receive help from any organisation that we have not already mentioned. You should say if the support is medical or non-medical, and how they help you. You should also tell us if you think you may face problems with domestic arrangements, for example, you may not be able to cook.

Note 12

Other information

You may want to give us more information about your support and accommodation needs. This may include information about medical conditions, cultural needs and mobility needs. In this section you can tell us about anything you think we should know.

If you do not have enough room you can use another sheet of paper. If you do give us more information, you should show which section on the application form your information relates to. For example, put 'continued from section 8' at the top of the new sheet. You may also use this section to include information that you do not feel has been covered by the form, but is important.

You should list in this section any documents you have sent us with this application.

You should not use this section to provide details of your asylum application. We have no influence over your claim for asylum.

Note 13

Warning and declaration

You should read this section carefully. It is important that you understand what will happen if you give us false information.

You **must** sign and date this section. We will return your application to you if you do not do this as it will not be valid. This will delay your application.

If you cannot write you should place your mark in this section. This may be a thumbprint or any symbol that you are identified by.

If you cannot write because of a disability, the person who has filled in the form for you must sign the declaration, explain that you have a disability, and say that they have signed the form for you.

The Prescription Pricing Authority will also use the information you have given in this form to decide whether you can get help with health costs, for example, free NHS prescriptions. It is an offence to provide false or incomplete information. The Prescription Pricing Authority may also take action if you have made a false declaration to get the HC2 certificate. More information about the HC2 certificate is in the general note.

When you make this application, you are giving us permission to give your and your dependants' personal details to the people who will be involved in providing you with support. We may give this information to reception assistants, accommodation providers, voucher providers and the post office.

Also, we have asked for permission to pass on details about you to service providers in the area where you currently live (if you have not applied for accommodation) or in the area where we may offer you accommodation.

We do this to make sure that you can use all the services, such as health and education. You are responsible for contacting these services to make arrangements for your individual needs, but they will know that you are living in their area.

We will provide the following details about you:

- Your name, nationality and date of birth (and the details of any dependant you have included in your claim).
- The language you speak (this will help the service provider work out if you need an interpreter).
- The address where you will be living (this will help them find local doctors or schools for you if you cannot do so).
- The date you will be arriving in the area if you do not already live there.
- That you are seeking asylum (but we will not give information about your asylum claim).

You decide whether we can give your personal details to service providers. However, if you do not let us you may have problems when you try to arrange local services for you and your family.

If necessary, we will pass information to other agencies and public organisations so they can prevent, detect, investigate or prosecute criminal offences.

Note 14

If someone helped you fill in the form

Someone may have helped you to fill in the form. For example, an assistant from a voluntary organisation such as Refugee Arrivals Project or Migrant Helpline or a solicitor or other legal representative.

If so, you should give the details of the person or the organisation that has helped you in section 14. We need these details because we may have to contact them to check the information they have given.

General note

If you have sent your application by fax, you must make sure that you send us the original copy at the same time. You should make sure that you send all the documents to support your claim with the application form. Do not forget to send four passport-size photographs of the main applicant.

They should be:

- clear;
- good quality;
- all the same;
- printed on normal thin photographic paper;
- unmounted (unframed);
- 45mm x 35mm (1.77 x 1.38 inches);
- of your full face;
- taken against a white background.

If you do not send us the original form and photographs immediately, it may cause a delay in processing your application.

NHS help with health costs

If your application for support under these arrangements is successful we will also issue you with a certificate (HC2). This will, depending on if you are eligible, let you have free:

- NHS prescriptions;
- NHS dental treatment;
- NHS sight tests; and
- NHS wigs and fabric supports.

You may also be able to get:

- vouchers towards the cost of glasses or contact lenses; and
- refunds of necessary travel costs to and from hospital for NHS treatment.

The certificate tells you what to do and what you can use it for. You do not need to fill in a separate claim form and you should not send an application direct to Health Benefits Division of the Prescription Pricing Authority.

Refunds

You can normally claim money back if you have already paid for something (the attached chart tells you what to do). The Health Benefits Division normally work out refunds based on your circumstances on the date you paid.

If you claim money back more than three months after you paid, the Health Benefits Division will decide if there is good reason to accept it. You should make the claim using form HC5. You can get this form from the local Social Security Office, NHS hospital, dentist or your local One Stop Service.

Questions

If you have any questions about a claim for a refund of health costs, you should contact:

The Health Benefits Division,
PO Box 769,
Sandyford House,
Archbold Terrace,
Newcastle upon Tyne,
NE99 2UT.

If you have any other health questions, you can ring the Health Information Service on 0800 66 55 44, Monday to Friday, between 10 am and 5 pm (you won't have to pay for the call).

| <i>What you have paid for</i> | <i>What you should send</i> | <i>When you should send it</i> |
|--|--|--|
| NHS prescription | 1 NHS receipt form FP57 (EC57 in Scotland). You can get this from your pharmacist, doctor or hospital when you pay for your prescription, you cannot get one later. It tells you what to do. | You must send your claim within three months of the date you paid for your prescription. Or, you can take form FP57 (EC57 in Scotland) straight to the post office if you already have the evidence that you need. |
| NHS dental treatment | 1 A receipt which shows you had NHS treatment. 2 Refund claim form HC5. Your dentist may have one. It tells you what to do. | You must send your claim within three months of the date you paid for your treatment. If you pay in instalments, send in your claim within three months of the date you finished paying. |
| NHS wig or fabric support | 1 A receipt which shows you have paid for a NHS wig or fabric support. 2 Refund claim form HC5. You can get one from your NHS hospital. It tells you what to do. | You must send your claim within three months of the date you paid for your wig or fabric support. |
| Sight test | 1 A receipt which shows you have paid for a sight test. 2 Refund claim form HC5. Your optician may have one. It tells you what to do. | You must send your claim within three months of the date of your sight test. |
| Glasses or contact lenses. You cannot claim a refund if you have already used an optical voucher towards the cost of your glasses or contact lenses, unless it was only a 'complex lens' voucher | 1 A receipt which shows you have paid for glasses or contact lenses. 2 Refund claim form HC5. Your optician may have one. It tells you what to do. | You must send your claim form within three months of the date you paid for your glasses or contact lenses. |
| Travel expenses to hospital for NHS treatment | 1 Tickets or receipts for your travel costs. 2 Refund claim form HC5. You can get one from your NHS hospital. It tells you what to do. | You must send your claim within three months of the date you paid the travel costs. |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision supplementing Part VI of the Immigration and Asylum Act 1999. They have the effect that support is to be available to asylum-seekers and their dependants who apply in accordance with the Regulations and appear to the Secretary of State to be destitute, or to be likely to become destitute within 14 days of the application being considered. The Regulations define who is a “dependant” of an asylum-seeker for these purposes and set out the matters to be taken into account in deciding whether a person, or family group, is destitute. They also set out what support can be expected to be provided to a successful applicant: this will generally take the form of accommodation, provision for other essential living needs or both accommodation and such provision. The provision for essential living needs will be in the form of vouchers redeemable for goods, services and not more than £10 cash per person per week.

The Regulations make provision for the notification of the Secretary of State when changes of circumstances occur that may affect the support to be provided. They enable the Secretary of State to require contributions towards the cost of providing support in some cases, and to recover sums; they also set out cases where support can be suspended or discontinued, and make provision for bringing tenancies to an end. In addition, they make provision whereby “destitute” in certain related legislation has the same meaning as it has for the purposes of asylum support.