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STATUTORY INSTRUMENTS

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**2007 No. 3627**

**IMMIGRATION**

**The Immigration and Asylum (Provision  
of Services or Facilities) Regulations 2007**

*Made - - - - 20th December 2007*  
*Laid before Parliament 10th January 2008*  
*Coming into force - - 31st January 2008*

The Secretary of State, in exercise of the powers conferred by sections 4(10) and (11) of the Immigration and Asylum Act 1999<sup>(1)</sup>, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Immigration and Asylum (Provision of Services or Facilities) Regulations 2007 and shall come into force on 31<sup>st</sup> January 2008.

**Interpretation**

2. In these Regulations—

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

“ante-natal eligible period” means the period from eight weeks before the expected date of birth to the date of birth;

“child” means an individual who is less than 18 years old;

“destitute” is to be construed in accordance with section 95(3) of the 1999 Act<sup>(2)</sup>;

“full birth certificate” means a birth certificate issued in the United Kingdom, which specifies the names of the child’s parents;

“immigration officer” means a person appointed as an immigration officer under paragraph 1(1) of Schedule 2 to the Immigration Act 1971<sup>(3)</sup>;

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(1) [1999 c.33](#). Section 4(10) was inserted by section 43(7) of the Immigration, Asylum and Nationality Act 2006 ([c.13](#)).  
(2) Section 95(3) is substituted by section 95(2) and (3) of the 1999 Act, inserted by section 44(6) of the Nationality, Immigration and Asylum Act 2002 ([c.41](#)) which is not yet in force.  
(3) [1971 c.77](#).

“maternity payment” means a payment of £250 made by the Secretary of State to a person supported under section 95(4) or section 98 of the 1999 Act to help with the costs arising from the birth of a child;

“mother” means a woman who is a supported person and who has provided evidence to satisfy the Secretary of State that she has given birth to a child;

“post-natal eligible period” means the period from the date of the birth to six weeks after the birth;

“pregnant woman” means a woman who is a supported person who has provided evidence to satisfy the Secretary of State that she is pregnant;

“provider” means a person providing facilities for the accommodation of persons by arrangement with the Secretary of State under section 4 of the 1999 Act(5);

“qualified person” has the same meaning as in section 84(2) of the 1999 Act(6);

“qualifying journey” means where—

- (a) a single journey of a distance of not less than three miles; or
- (b) where there is a specified need, a single journey of a distance of less than three miles;

“specified need” means where—

- (a) the supported person is unable or virtually unable to walk a distance of up to three miles by reason of a physical impediment or for some other reason; or
- (b) the supported person has one or more child dependants—
  - (i) aged under five; or
  - (ii) who are unable or virtually unable to walk a distance of up to three miles by reason of a physical impediment or for some other reason;

“supported person” means a person who is being provided with accommodation under section 4 of the 1999 Act and who is destitute; and

“voluntary sector partner” means an organisation funded by the Secretary of State to deliver aspects of asylum support services.

## **Travel**

**3.—(1)** The Secretary of State may supply, or arrange for the supply of, facilities for travel for a qualifying journey to a supported person to—

- (a) receive healthcare treatment, provided that the supported person has provided evidence that the qualifying journey is necessary; or
- (b) register a birth.

(2) Subject to paragraph (3), if the Secretary of State supplies, or arranges for the supply of, facilities for travel for a qualifying journey to a supported person under paragraph (1) then, if necessary, the Secretary of State may also supply, or arrange for the supply of, facilities for travel for that qualifying journey to—

- (a) one or more dependants of that supported person; and

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(4) Section 95(2) to (8) is substituted by section 95(2) to (7) of the 1999 Act, inserted by section 44(6) of the Nationality, Immigration and Asylum Act 2002 which is not yet in force. Section 95(9A) was inserted by section 50(1) of the Nationality, Immigration and Asylum Act 2002.

(5) Section 4(2) to (4) were added by section 49(1) of the Nationality, Immigration and Asylum Act 2002. Section 4(5) to (9) were added by section 10(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19). Section 4(10) and (11) were added by section 43(7) of the Immigration, Asylum and Nationality Act 2006.

(6) Section 84(2) is substituted by section 84(2), inserted by section 37(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

(b) in the case of a supported person who is a child—

- (i) a parent or guardian of that supported person or a person who for the time being takes parental responsibility for that supported person; and
- (ii) if the parent, guardian or person who for the time being takes parental responsibility for that supported person himself has dependants then one or more of his dependants.

(3) The Secretary of State may only supply, or arrange for the supply of, facilities for travel under paragraph (2) to persons who are supported persons.

### **Birth certificates**

4. The Secretary of State may arrange for the provision to a supported person of his child's full birth certificate.

### **Telephone calls and letters**

5.—(1) The Secretary of State may supply, or arrange for the supply of, facilities to make telephone calls—

- (a) regarding medical treatment or care,
- (b) to a qualified person,
- (c) to a court or tribunal,
- (d) to a voluntary sector partner,
- (e) to a citizens advice bureau,
- (f) to a local authority,
- (g) to an immigration officer, or
- (h) to the Secretary of State,

to a supported person aged 18 or over.

(2) The Secretary of State may supply, or arrange for the supply of, stationery and postage for correspondence—

- (a) regarding medical treatment or care,
- (b) to a qualified person,
- (c) to a court or tribunal,
- (d) to a voluntary sector partner,
- (e) to a citizens advice bureau,
- (f) to a local authority,
- (g) to an immigration officer, or
- (h) to the Secretary of State,

to a supported person aged 18 or over.

### **One-off supply of vouchers for pregnant women and new mothers**

6.—(1) During the ante-natal eligible period, on application, the Secretary of State may supply, or arrange for the supply of, vouchers redeemable for goods to the value of £250 in respect of each expected child to a pregnant woman.

(2) In a case where such support has not been provided under paragraph (1), during the post-natal eligible period, on application, the Secretary of State may supply, or arrange for the supply of, vouchers redeemable for goods to the value of £250 in respect of each new born child to a mother.

(3) Paragraphs (1) and (2) shall not apply if a maternity payment has been made in respect of the child in question.

**Additional weekly vouchers for pregnant women and children under three**

7.—(1) For the duration of the pregnancy, on application, the Secretary of State may supply, or arrange for the supply of, vouchers redeemable for goods or services to the value of £3 per week to a pregnant woman.

(2) Until the first birthday of a child who is a supported person, on application, the Secretary of State may supply, or arrange for the supply of, vouchers redeemable for goods or services to the value of £5 per week to him.

(3) From the day after the first birthday of a child who is a supported person, until the third birthday, on application, the Secretary of State may supply, or arrange for the supply of, vouchers redeemable for goods or services to the value of £3 per week to him.

**Additional weekly vouchers for clothing for children**

8. Until the sixteenth birthday of a child who is a supported person, on application, the Secretary of State may supply, or arrange for the supply of, vouchers redeemable for clothing to the value of £5 per week to him.

**Exceptional specific needs**

- 9.—(1) If the Secretary of State is satisfied that a supported person has an exceptional need for:
- (a) facilities for travel,
  - (b) facilities to make telephone calls,
  - (c) stationery and postage, or
  - (d) essential living needs,

she may provide for that need, notwithstanding that the conditions for the supply of those services or facilities referred to respectively in regulations 3, 5, and 6 are not satisfied.

(2) In determining what are or are not to be treated as essential living needs, the Secretary of State shall have regard to regulations made under section 95(7) of the 1999 Act.

Home Office  
20th December 2007

*Liam Byrne*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the circumstances under which the Secretary of State may provide or arrange for the provision of specified services or facilities to those who are provided with accommodation under section 4 of the Immigration and Asylum Act 1999 (the 1999 Act) (supported persons).

Regulation 3 sets out the circumstances under which the Secretary of State may supply, or arrange for the supply, of facilities for travel for certain specified journeys.

Regulation 4 allows the Secretary of State to arrange for the provision to a supported person of his child's full birth certificate.

Regulation 5 provides for the supply of facilities to make telephone calls and receive stationery and postage for correspondence regarding medical treatment or care and to certain specified persons.

Regulation 6 allows for the one-off supply, on application, of additional vouchers to pregnant women and new mothers.

Regulation 7 allows for the weekly supply, on application of additional vouchers to pregnant women and children under three years of age

Regulation 8 provides for the weekly supply, on application, of additional vouchers for clothing for children under 16 years of age.

Regulation 9 provides that if the Secretary of State is satisfied that a person has an exceptional need for certain specified services or facilities she may provide for that need.