

**EXPLANATORY MEMORANDUM TO**  
**THE ASYLUM SUPPORT (AMENDMENT) REGULATIONS 2008**  
**2008 No. 760**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These regulations amend Regulation 10(2) of Asylum Support Regulations 2000 by increasing the cash amount payable in respect of a person's essential living needs.

**3 Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4 Legislative Background**

4.1 Regulation 10 of the Asylum Support Regulations (SI 704/2000) stipulates the support which may be provided by the Home Office to supported asylum seekers and their dependants in respect of essential living needs (ie their subsistence support). This Statutory Instrument amends regulation 10 so as to amend the amounts. These increases have previously been made annually in line with the DWP's annual increase in Income Support payments. However, this year, the increase in asylum support levels will not be made in line with Income Support due to changes in the DWP benefit structure. Instead, support levels will be increased in line with the Consumer Price Index.

**5 Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

**6 European Convention on Human Rights**

6.1 Liam Byrne, Minister of State has made the following statement regarding Human Rights:

“As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.”

**7 Policy Background**

7.1 The Asylum Support Regulations 2000 which came into force on 3<sup>rd</sup> April 2000 make provision (in regulation 10) for the amounts to be paid as a general rule, in respect of their essential living needs to destitute asylum seekers and their dependants.

7.2 After careful consideration of alternative solutions, the Home Office has opted to increase the asylum support rates from 14 April 2008 by 1.8% in line with the Consumer Price Index for September 2007, the same month as used as a basis for DWP increases in income support for 2008-09.

7.3 The Consumer Price Index is based on a sample of goods that a typical household may buy including food and household goods but excluding most housing related costs. It is therefore a suitable index for subsistence support for asylum seekers whose housing costs are fully met through the provision of accommodation.

7.5 The effects of this statutory instrument are confined to those eligible for asylum support. There will be interest primarily from those organisations concerned with the welfare of asylum seekers.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on businesses, charities or voluntary bodies.

## **9 Contact**

9.1 Ann Robertson at the Asylum Policy Directorate, Tel. 020 8760 8612, (Ann.Robertson@homeoffice.gsi.gov.uk) can answer any questions regarding this instrument.