
STATUTORY INSTRUMENTS

2000 No. 704

The Asylum Support Regulations 2000

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(1);

“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).

(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⁽²⁾;
- (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⁽³⁾; or
 - (ii) Article 18 of the Children (Northern Ireland) Order 1995⁽⁴⁾; 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.

(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,

(2) 1989 c. 41.

(3) 1995 c. 36.

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

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⁽⁵⁾ is not excluded by section 115(1) of the Act from entitlement to—
 - (i) income-based jobseeker’s allowance under the Jobseekers Act 1995⁽⁶⁾; or
 - (ii) income support, housing benefit or council tax benefit under the Social Security Contributions and Benefits Act 1992⁽⁷⁾;
- (b) a person who, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000⁽⁸⁾ 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⁽⁹⁾; or
 - (ii) income support or housing benefit under the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁰⁾;

(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.

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,

⁽⁵⁾ S.I. 2000/636.

⁽⁶⁾ 1995 c. 18.

⁽⁷⁾ 1992 c. 4.

⁽⁸⁾ S.R. (N.I.) 2000 No. 71.

⁽⁹⁾ S.I. 1995/2705 (N.I. 15).

⁽¹⁰⁾ 1992 c. 7.

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(11).

(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 fares;
- (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
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(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

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- 23.**—(1) In this regulation “the relevant enactments” means—
- (a) section 21(1A) of the National Assistance Act 1948⁽¹²⁾;
 - (b) section 45(4A) of the Health Services and Public Health Act 1968⁽¹³⁾;
 - (c) paragraph 2(2A) of Schedule 8 to the National Health Service Act 1977⁽¹⁴⁾;
 - (d) sections 12(2A), 13A(4) and 13B(3) of the Social Work (Scotland) Act 1968⁽¹⁵⁾;
 - (e) sections 7(3) and 8(4) of the Mental Health (Scotland) Act 1984⁽¹⁶⁾; and
 - (f) Articles 7(3) and 15(6) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹⁷⁾.
- (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.

⁽¹²⁾ 1948 c. 29. Section 21(1A) was inserted by section 116 of the Immigration and Asylum Act 1999.

⁽¹³⁾ 1968 c. 46. Section 45(4A) was inserted by section 117 of the Immigration and Asylum Act 1999.

⁽¹⁴⁾ 1977 c. 49. Paragraph 2(2A) of Schedule 8 was inserted by section 117 of the Immigration and Asylum Act 1999.

⁽¹⁵⁾ 1968 c. 49. Sections 12(2A), 13A(4) and 13B(3) were inserted by section 120 of the Immigration and Asylum Act 1999.

⁽¹⁶⁾ 1984 c. 36. Sections 7(3) and 8(4) were inserted by section 120 of the Immigration and Asylum Act 1999.

⁽¹⁷⁾ 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.

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(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