

# Asylum Support

If you have claimed asylum, and do not have anywhere to live and/or money to support yourself (you are “destitute”), you may be entitled to “asylum support”.

This is administered by the Home Office and includes housing – if needed – and basic living expenses.

Currently, in almost all cases people seeking asylum do not have permission to work.

Support from the Home Office *while your asylum claim is being considered* comes in two forms, named after the legal guidelines:

**Section 98: emergency support**

**Section 95: ongoing support**

**Section 4** is a form of support for some people *after they have been refused asylum* and is described at the bottom of this section.

You should let the Home Office know if you need housing and/or financial support in your asylum screening interview.

The Home Office will assess whether you require emergency support (including temporary accommodation). If they decide you meet the criteria for temporary accommodation, the Home Office should provide this immediately after the screening interview. You should therefore take all your belongings with you to the screening interview, if you are asking the Home Office to provide you with accommodation. There is no right to appeal a negative decision from the Home Office on this (if they say you do not need emergency support).

If you don't ask the Home Office for emergency support in your screening interview, but you still need it, you can call the organisation Migrant Help and they can provide information about applying for this support. You can find the Migrant Help phone numbers here: [migranthehelpuk.org](http://migranthehelpuk.org)

## Proving you are destitute

A person is “destitute” if they do not have adequate accommodation or any means of obtaining it, or if they have adequate accommodation, but cannot meet their other essential living needs.

When considering an application for emergency support, the Home Office need to assess if that is the case for you now. If you are applying for “Section 95” or “Section 4” support, they need to assess if you are destitute **now** or will become so in the **next 14 days**.

## **ACTION SECTION**

If you have been staying with friends and family before now, **you will need to provide evidence about this accommodation and why you can no longer stay there**. This can be done through a letter from the person who you have been living with. If you've been living at several different addresses, you should provide details of each (address, how long you stayed there, why you couldn't stay there any longer).

You may need to provide information about **any support from charities you have received**, or about trying to receive this support and failing to do so. This might be in a form of a letter from the charity.

If you have a bank account, **you may need to provide copies of bank statements for the last six months**. The Home Office may run a “credit check” on you. This means they may examine current and previous bank accounts.

If you've previously had the right to work, **you may need to provide wage slips or tax documents such as a P60**. If you have previously claimed mainstream benefits, you may need to provide evidence that you are no longer entitled to these (such as a letter from the Job Centre).

If you've been in the UK for some time and haven't been receiving support in any of the ways mentioned above, **you will need to explain (and prove, if possible) how you have been supporting yourself and why this cannot continue**.

## **Initial accommodation**

To begin with, if you have nowhere to live, you will be usually be placed in temporary “initial accommodation” by the Home Office (usually immediately after the screening interview). This could be anywhere in the UK. According to Home Office policy, they should make a decision on a request for emergency support including temporary accommodation, “before the end of the working day on which the application is received”.

Initial accommodation is usually a hostel with other people seeking asylum. You will be provided with basic meals and toiletries. This is known as “Section 98 support”. In general, you will not be given any cash support while you are in the initial accommodation (in Scotland and Northern Ireland, initial accommodation is self-catering and you will be given money toward the cost of toiletries and food).

## “Section 95” support

After some days, weeks, or sometimes months in initial accommodation, you will be taken to new accommodation, usually a flat or shared house, somewhere else in the country.

You will now qualify for what is known as “Section 95 support”, which is housing plus (at the time of writing) £39.60 per week for each person. Adults and children receive the same amount per person.

You will normally be able to continue to receive this support until you are “appeals rights exhausted”.

You do not have any choice about where in the UK you are housed. You can be dispersed to anywhere in Britain (though usually not London and the south-east of England).

You will receive instructions on how to receive your money, which will be paid through a card called an Aspen card. This can be used like a debit card, to withdraw money from cash machines (ATMs) or to pay for items in shops.

The Home Office are able to track the use of Aspen cards and in some cases have stopped people’s support for being away from their designated city/town of residence.

Read more: <https://righttoremain.org.uk/home-office-tracking-use-of-aspen-card-by-people-seeking-asylum/>

You may hear this kind of support called “NASS support“, named after the department of the Home Office – the National Asylum Support Service – that used to administer the support.

### **Subsistence-only Section 95 support**

If you have a friend, family member or community you can stay with long term, you can ask the Home Office to just provide you with money for basic living expenses. This is known as “**subsistence-only**” or “**subs-only**” asylum support. If you apply for this kind of support, you will not be dispersed as you will be accommodated by your friend or family/community member.

When considering an application for asylum support, the Home Office can refuse the application if you did not claim asylum “as soon as reasonably practical” after entering the UK. This period is usually considered to be three days. This is known as a “**Section 55**” **decision**, named after the law that gives the Home Office the power to do this. The Home Office should not make a Section 55 decision if you would be made street homeless without asylum support. If you have applied for subs only support, the Home Office can argue that your human rights will not be breached by a Section 55 decision as you will not be made homeless (because you must have alternative accommodation, otherwise you would be applying for accommodation as well).

You can also apply for *accommodation only* from the Home Office, if friends and family can

provide you with food or you have a low income, though this situation is quite unusual.

## Appealing a refusal of supporting

If your application for Section 95 asylum support is refused by the Home Office, you have the right to appeal this decision at the Asylum Support section of the First-tier Tribunal.

Legal aid (free legal advice and/or representation) is only available for appealing this decision if you applied for both accommodation and financial support – legal aid is not available for appealing a negative decision on a “subs-only” asylum support application.

Read more about appealing a refusal on the Asylum Support Appeals Project website: <http://www.asaproject.org/resources>

## Section 4 support

This is a form of support for some people whose asylum claims have been refused. This support comes in the form of accommodation and a financial payment via an Aspen card (you cannot get financial support only). There is no choice about where the accommodation is located in the UK.

Section 4 also used to be a way of accommodating people released from immigration detention. This changed in January 2018.

To be eligible for this support, you need to be able to show that you are destitute (see above) and that one or more of the following situations applies to you:

- that you are taking all reasonable steps to leave the UK or facilitate your departure from the UK (for example by signing up for the “voluntary return” scheme) but there are barriers or delays out of your control that prevent you leaving
- that you are unable to leave the UK because you are physically or medically unable to travel. This includes women who are pregnant and are in about the last six weeks of their pregnancy, or in the first six weeks after giving birth.
- that the Home Office accepts that there is “no viable route of return” to your country of origin. This is a very unusual situation.
- that you have been granted permission to proceed with an application for judicial review of the decision on your asylum claim (read more about judicial reviews in Toolkit section *Judicial Reviews*)
- that the provision of support is necessary to avoid breaching your human rights.

It is this last category that is likely to apply if you have submitted **further submissions** to the Home Office and are asking them to consider them as a **fresh claim**. Read more about that in Toolkit section *Fresh Claims*.

Section 4 support is only for while you wait for the Home Office to decide if they view your further submissions as a fresh claim. If the Home Office accept that your further submissions pass the “fresh claim test” but have not made a substantive decision on your fresh claim, you may then be eligible for the Section 95 support described above.

If you receive Section 4 from the other categories – such as medical condition or voluntary return – your support will be “reviewed” every few months and you may be required to provide evidence that you remain eligible for this support. It is important to keep documents about your situation (such as medical appointments or trips to your embassy/consulate) to submit to the Home Office when requested.

You can find out more about making an application for Section 4 support from the organisation Migrant Help. See details on their website here:

<https://www.migranthelpuk.org/>

## Other support

You may be entitled to accommodation and financial support from the social services department of your local government authority if you have a serious illness, physical disability, learning disability, mental health problems or frailty because of old age, or if someone in your family has any of these.

The local authority should conduct what is called a Community Care Assessment to decide what support you need.

Read more about this kind of support (called “Section 17 support”) in this resource from Hackney Migrant Centre and partners: [righttoremain.org.uk/new-self-help-guide-on-section-17-support-for-children-in-need-and-their-families/](https://righttoremain.org.uk/new-self-help-guide-on-section-17-support-for-children-in-need-and-their-families/)

Unaccompanied asylum-seeking children will also be the responsibility of the local authority (through social services). You can find out more about this on the Migrant Children’s Project website here: <https://www.childrenslegalcentre.com/resources/local-authority-support-uasc/>