

# ELIGIBILITY AND ASSESSMENT OF ASYLUM SUPPORT

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## Introduction

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This instruction provides guidance on how to assess eligibility for asylum support and the processes for granting that support.

It provides guidance on, amongst other things, pre-registration checks following receipt of the asylum support application form, the provision of initial accommodation, s55, s57, s95, the relevant paperwork and appeals.

For the purposes of simplicity and unless otherwise stated, the use of he, his, and him will apply to both genders.

## Legislative Framework

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The key provisions relating to support for asylum seekers are set out in [Part VI of the Immigration and Asylum Act 1999](#).

In particular:

- section 94 sets out various definitions for support purposes, including who is classified as an 'asylum seeker' and what is meant by a 'claim for asylum' (NB 'claim for asylum', for asylum support purposes, includes any claim made under Article 3 of the ECHR);
- section 95 provides for whom support may be provided. Notably, section 95(1) provides that the Secretary of State may provide or arrange for the provision of support for asylum seekers or dependants of asylum seekers who appear to the Secretary of State to be destitute or to be likely to become destitute within such period as may be prescribed (this is prescribed in regulation 7 of [The Asylum Support Regulations \(2000\)](#)). Section 95(3) sets out what is meant by 'destitute';
- section 98 provides that the Secretary of State may provide or arrange for the provision of support for asylum seekers or dependants of asylum seekers who appear to the Secretary of State to be destitute or likely to become destitute pending the consideration of their support application under section 95; and
- section 103 provides for appeals to an Asylum Support Adjudicator against asylum support decisions.

[The Asylum Support Regulations \(2000\)](#) make provision supplementing the Immigration and Asylum Act 1999. In particular, the Regulations define who is a 'dependant' of an asylum seeker for asylum support purposes (regulation 2(4)) 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. These regulations were amended in 2005 to comply with the [European Council Directive 2003/9/EC](#). Officers must ensure that they use the [Asylum Support \(Amendment\) Regulations 2005](#) in conjunction with the 2000 Regulations.

[European Council Directive 2003/9/EC](#) laid down the minimum standards for the reception of asylum seekers. Amongst other things, these included the duty to offer support in some circumstances, and the requirement to have regard to family unity when providing accommodation. For further information on the Asylum Receptions Conditions Directive, see Asylum Support Policy Bulletin 83: [Duty to offer support, family unity, vulnerable persons, withdrawing support](#).

In addition, all decisions **must be** consistent with the European Convention on Human Rights, within the meaning of the [Human Rights Act \(1998\)](#).

The summaries given above are for ease of reference and guidance only – Officers should always refer to the original legislation where necessary.

### Application of this instruction in respect of children and those with children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency

instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

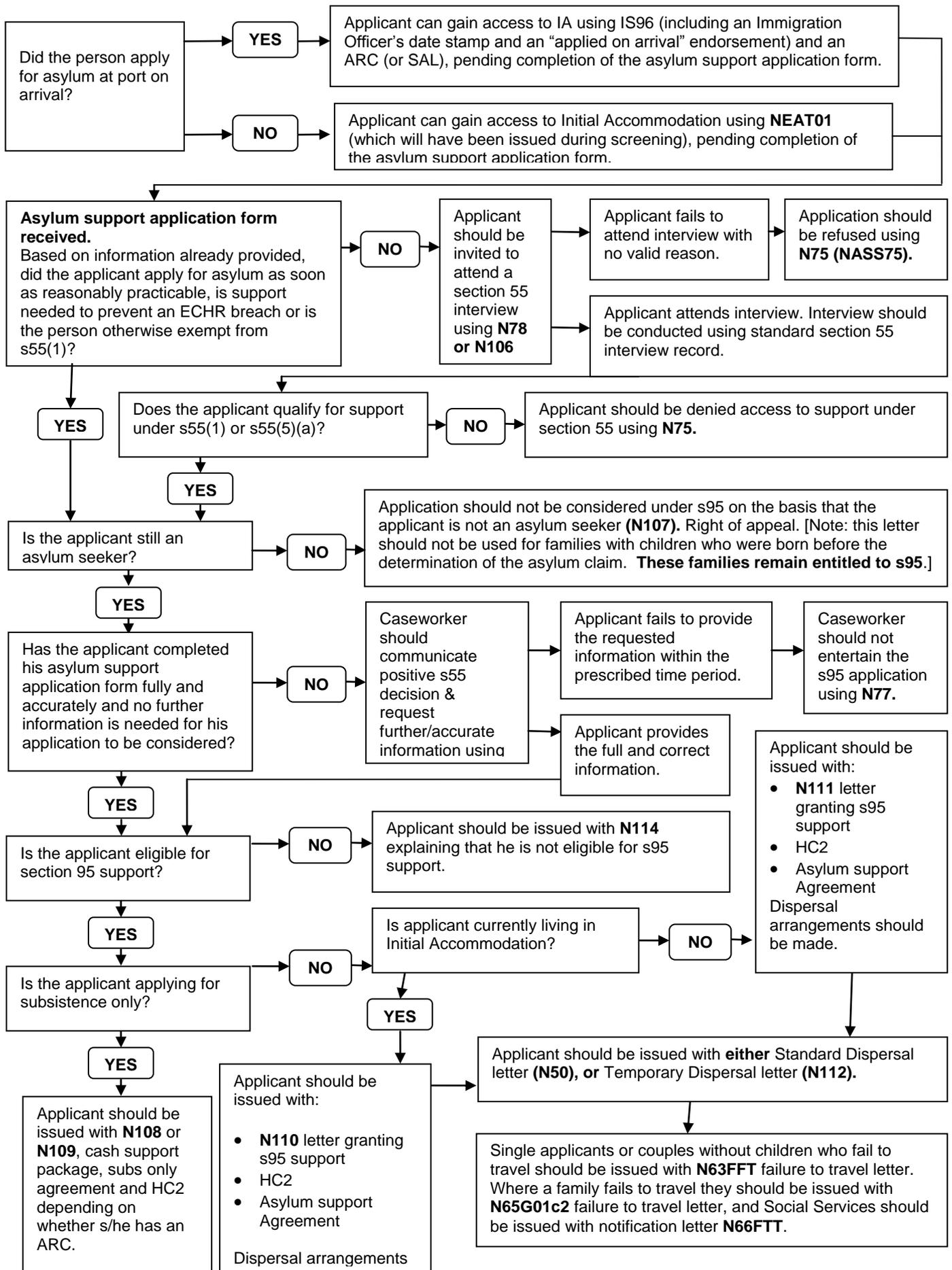
## Existing Asylum Support Guidance

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Supplementary guidance on using ASYS can be found in ASYS User Manuals.

Guidance on Asylum Support policies can be found in Asylum Support Policy Bulletins.

Officers should be aware that some of the above documents make references to specialist positions within NASS (National Asylum Support Service), the organisation which was formerly responsible for administering support. All such references should be ignored and Officers will be responsible for all support functions relating to their cases.



## Access to Initial Accommodation Pending Consideration of an Asylum Support Application

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Where an asylum seeker would otherwise be destitute, he may be provided with section 98 support, pending a decision on whether he may be provided with asylum support under section 95 of the [Immigration and Asylum Act 1999](#).

### Services provided under section 98

Section 98 support is provided by Voluntary Sector Providers and includes the following:

- Provision of Initial Accommodation and essential living needs of asylum applicants.
- Providing information briefings on applicants' rights and responsibilities whilst in the United Kingdom.
- Providing briefings on the asylum process and dispersal locations.
- Carrying out (where facilities are available) health assessments for new claimants.
- Assistance with completing the asylum support application form.
- Supporting the applicant's move to longer-term section 95 accommodation where they may stay whilst they remain eligible for asylum support.

### The Voluntary Sector Providers

A voluntary sector agency or local authority may admit an asylum seeker (and any dependants) to Initial Accommodation if they wish to apply for asylum support and present:

- a valid IS96 temporary admission form date-stamped by an Immigration Officer and bearing an 'applied for asylum on arrival' endorsement; or
- a 'letter authorising access to Initial Accommodation to a person who did not apply for asylum at a port of entry immediately on arrival into the UK' (NEAT01).

Applicants who make an asylum claim at port may be referred to Initial Accommodation by an Immigration Officer. Applicants wishing to gain access to Initial Accommodation should be directed to the nearest One-Stop Service. For details of current Providers see the [One Stop Service Provider](#) list.

For further information on authorising access to Initial Accommodation, see Asylum Support Policy Bulletin 73: [Provision of Initial Accommodation](#). Officers should note that Emergency Accommodation is now known as Initial Accommodation.

### Accessing Initial Accommodation through the Asylum Screening Unit

Prospective asylum seekers who have not had their asylum claim recorded but are considered vulnerable will be able to access Initial Accommodation out of normal hours, when the Asylum Screening Units (ASUs) are closed. Applicants who apply for asylum on arrival at their port of entry will always be able to access Initial Accommodation regardless of whether they are considered to be vulnerable.

However, the policy for ad hoc closures of ASU during normal working days has been changed since the publication of Asylum Support Policy Bulletin 73: [Provision of Initial Accommodation](#). Access to Initial Accommodation should now be authorised to all those who attempt to claim asylum during ad hoc ASU closures in normal ASU working hours, including times when ASU closes earlier than usual. During these closures, a skeleton staff in the ASU will hand an ASU2 letter to any prospective applicant showing that they have attempted to claim asylum.

Access to Initial Accommodation should be authorised to all those who can produce such a letter provided that they are destitute.

When an applicant is granted access to Initial Accommodation under section 98, the regional dispersal teams will update the Initial Accommodation Database

### **Applicants on bail**

Some individuals who have applied for bail may have also applied for asylum support. Those released on bail will seek permission to use Initial Accommodation as a bail address. Officers should contact the Asylum Support Policy Team on a case by case basis when dealing with these cases. For further information see the Asylum Instruction Bail Addresses (when available).

## The Asylum Support Application Form

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Applicants wishing to obtain asylum support must do so by completing the asylum support application form (formerly known as NASS1). Applicants may use the help of a voluntary sector agency or local authority to complete the form, and must adhere to the guidance in the [“Notes for Guidance”](#).

The applicant must return the application form to an Officer at a reporting event on the date as instructed. If the applicant fails to comply with this, the application for support can be non-entertained under section 57. For further information, see [Section 57 of the Nationality, Immigration and Asylum Act 2002](#).

## Receiving Applications and Pre-Registration Checks

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Once an application for support has been received, it is essential for some initial checks to be carried out and basic information recorded on CID (Case Information Database) and ASYS (Asylum Seekers Support System). These checks serve as a reminder of the information needed in order to register the application. Discrepancies and incorrect information can be amended.

Officers should:-

1. Check that relevant documents are attached to the back of the asylum support application form. The documents required for ASU and Local Enforcement Office (LEO) cases are a NEAT 01, Initial Accommodation Letter or letter inviting the applicant to a further ASU visit (ASU1) letter. A **stamped** IS96 is required for Port cases. If the documents are missing they may need chasing with Refugee Council, the relevant Induction Centre, the Port, LEO or ASU.
2. Enter the reference number into CID. If the applicant has a CID record, ensure that the details given on the application form correspond with those on CID. Officers should check the Nationality, Date of Birth and Language. Any discrepancies should be clarified with the applicant to establish the correct information.
3. Enter the Home Office Reference, Port Reference, Date of Asylum Application and any other required information on the ACID check sheet. Sign and add any discrepancies to the bottom of the sheet.
4. Determine the type of asylum support claim; applicants may apply for one of three types of support: accommodation only, accommodation and subsistence or subsistence only.
5. Complete the SIFT sheet by adding the number of dependants and the Induction Centre the applicant is in, where applicable. Write the applicant's name **as it is on CID** at the bottom of the page and the current date.

Once the pre-registration checks are complete Officers should register the application. See [Registering Applications](#).

## Registering Applications

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Following pre-registration, the asylum support application form should be scanned onto ASYS. The form should be checked to ensure the details and any supporting documents correspond with the asylum claim on CID. Details on the form should also be checked on ASYS so that appropriate action can be taken if the person has links to other applications. An Asylum Support Reference number will be generated for the applicant when registration has been completed.

Once a thorough check has been completed checks should be carried out for each dependant if any. Any discrepancies must be clarified with the applicant.

### CID

Where an Immigration Fingerprint Bureau (IFB) number is provided by the applicant, Officers should use it to find the applicant's claim. Additional searches should also be used to avoid missing vital information, such as using:

- Home Office File Reference
- Port Reference
- Asylum Support Reference
- Full name and Date of birth
- Aliases

When the record is located and checks have been completed, Officers should update CID to indicate the claim type, i.e. accommodation only, accommodation and subsistence or subsistence only etc.

### ASYS

Officers should check ASYS to ensure that the applicant is not connected with any other support applications. Officers are encouraged to use the Search for "sounds like" names option as ASYS will search variations in the spelling of names which may identify any existing record.

Where the IFB number is known Officers should use it search for the applicant, Officers should also use:

- Home Office or Port Reference number
- Name
- Nationality
- Date of birth
- Aliases
- ARC Details

Officers should follow the instructions in the ASYS User Manual: Registering an Application to search for applicants.

Where no record is found Officers should register the applicants support application on ASYS as outlined in the ASYS User Manual: Registering an Application.

Once the Officer has registered the application on ASYS it should now be validated. See [Validation and Section 55 and 57 Considerations.](#)

Where an existing ASYS record is located Officers must record the receipt in the Correspondence Tab (9) of the new application. Officers should also make a note on CID and the Minute Sheet (5) of ASYS.

Officers should determine the current status of the previous application. In cases where an asylum support application was previously suspended or discontinued under regulation 20 of the [Asylum Support Regulations 2000](#), a further application for support need not be entertained. For further details on whether to entertain a further application for support see Asylum Support Policy Bulletin 84: [Entertaining a further application for support](#).

Where a previous application was refused, the new application should be treated in the same way as a new application. Where the applicant is already in receipt of support the new application should be checked against the previous application for any changes in the applicant's circumstances. These may include a dependant turning 18, a couple who want to be supported separately or a main applicant who is no longer entitled to support but whose dependants are. Officers should refer to the [Change age of applicant or dependant](#) guidance and Asylum Instruction [Dependants on a Support Application](#).

Any correspondence provided to support the applicant's application should be copied and placed on file. The originals should be given back to the applicant.

### Critical Comments

Officers must also add a Critical Comment and make a note in the Minute Sheet of ASYS highlighting it as an Asylum case. The comment should contain a name and contact number.

## Validation and Section 55 and 57 Considerations

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Validation is the process by which consideration is given to an applicant's eligibility for section 95 support.

### Validating applications

The validation process within ASYS consists of ensuring all required sections of the application form have been properly completed and the details have been entered onto ASYS. Officers must also ensure that the form has been signed.

### Section 55 of the Nationality, Immigration and Asylum Act 2002

Under section 55 of the Nationality, Immigration and Asylum Act 2002 applicants may not be provided with support if they fail to claim asylum as soon as reasonably practicable after arriving in the UK, unless providing support is necessary to avoid a breach of a person's rights under the European Convention of Human Rights.

A section 55 decision is always required where an asylum applicant or a failed asylum applicant applies for support under sections 98, 95 or 4 of the 1999 Act, except when:

- The asylum claim was made on or before 7 January 2003
- The applicant is an unaccompanied asylum seeking child who is seeking support from a Local Authority.
- The asylum applicant, or any of his dependants has been assessed by a Local Authority as having a care need.
- The asylum applicant is under 18 or has a dependant who is aged under 18 and living in his household.

A section 55 decision should, wherever possible, be made on the basis of the information contained in the asylum support application form and other available written information, including the screening interview and CID records. If it is not possible to make a positive decision under section 55(1) or 55(5)(a) it is necessary to invite the applicant to attend a section 55 interview.

Before booking the interview the case must have been registered and validated using ASYS. This enables the Officer to generate a section 55 interview letter. If completing the validation stage Officers are satisfied that the claim was made as soon as reasonably practicable, the level of support the applicant will receive should be assessed. See [Assessment - The Test of Destitution](#).

If the applicant is not currently receiving support he should be asked to attend an interview using the 'Letter inviting applicant to attend a section 55 interview' (NASS78). If the applicant has previously been informed of entitlement to accommodation and subsistence support he should be given temporary subsistence-only support in form of Emergency Support Tokens (ESTs) pending a section 55 interview.

EST's are generated by ASYS for any amount between £0.01 and £999.99; see ASYS User Manual Allocation of Support. An EST is delivered to the applicant at his current address by the UK Border Agency contracted courier, Sodexo Pass. The courier will specify to the applicant which Post Office to cash the EST. However, if the applicant is already receiving regular

support, issuing EST's will depend on whether the applicant has moved within his local area and able to continue collecting support at his current Post Office or has moved out of the area and it is therefore believed that they are unable of collecting this, or next week's support.

If it is the latter, EST's should be issued pending a section 55 interview. The applicant should be invited to attend an interview using the 'Grant of temporary subsistence only support and invitation to a section 55 interview following a request to switch to subsistence only support' (NASS106).

If the applicant fails to attend the interview but provides a reasonable explanation for doing so Officers should rebook the interview for as soon as possible.

If the applicant fails to attend the interview with no reasonable explanation, the Agency will not be satisfied that the applicant claimed asylum as soon as was reasonably practicable or that he has demonstrated that support is necessary to avoid a breach of Convention rights. In such case, Officers should refuse support using the section 55 refusal letter (NASS75). There is no right of appeal against a negative section 55(1) decision. If the applicant has been receiving support following a request to switch from accommodation and subsistence to subsistence only, Officers should ensure that support is stopped with immediate effect and this should also be mentioned in the refusal letter.

If, following a section 55 interview, an Officer decides that an applicant is not or is no longer an asylum seeker, they should send the 'Person not eligible for support because not or no longer an asylum seeker' letter (NASS107) For more information on applicants who are no longer asylum seekers, see [Applicants who are no longer asylum seekers](#).

It is open to any applicant who has been refused support under section 55 to request a reconsideration of that decision if they have additional information that they wish to be taken into account, or if they claim that the original decision was unlawful. If representations are received they should be considered promptly. Access to Initial Accommodation should be granted under section 98 in cases that cannot be decided on the same day if the person appears to be destitute.

Decisions to provide support under section 55(5)(a) to avoid a breach of a person's Convention rights should be reviewed following any significant change in the person's circumstances, including if the applicant requests a change from accommodation and subsistence to subsistence only support.

For guidance on section 55 of the Nationality, Immigration and Asylum Act 2002, Officers should refer to Asylum Support Policy Bulletin 75: [Section 55 \(Late claims\) 2002 Act Guidance](#).

### **Section 57 of the Nationality, Immigration and Asylum Act 2002**

[Section 57 of the Nationality, Immigration and Asylum Act 2002](#) provides that regulations may make provision as to the circumstances in which an application for support may not be entertained. [Regulation 3\(4\) of the 2000 Asylum Support Regulations](#) provides that an application for support under section 95 may not be entertained where the Secretary of State is not satisfied that the information provided is complete or accurate, or that the applicant does not co-operate with enquiries. There is no right of appeal against a decision to refuse to entertain an application under section 57 of the 2002 Act.

In order to carry out a section 57 check Officers should:

- Check that the application has been submitted on the correct form;
- Check that the application has been fully completed. For example, signed photographs of the applicant must have been provided. The applicant must have also signed the application form;
- Check that the application has been completed accurately. For example, the name on the photographs must correspond with the name on the application form. Details, such as names and dates of birth of applicants and any dependants, must also correspond to those previously provided.

Where an application is incomplete or information is inaccurate, Officers should request further or accurate information by sending the 'Letter requesting further/accurate information to enable consideration of application for section 95 support' (NASS20a). The status on ASYS should remain at 'In Validation' until the further/accurate information has been received.

If on request the applicant fails to provide the required information within the prescribed timescale of 5 working days, Officers should send the 'Letter refusing to entertain an application for section 95 support on the basis that the applicant has failed to provide further information on request' (NASS77). Officers can, in exceptional cases, allow an extension on this time limit; however a full explanation and evidence to support this should be received.

Where there is failure to supply the additional information within the specified period, or if Officers conclude that the application details are inaccurate after further queries, the application for section 95 support should not be entertained as the applicant has not co-operated with enquiries as set out in section 57 of the Act. If the applicant is in initial (emergency) accommodation this must be vacated, and the ASYS case should be set to 'Invalid'.

If Officers receive the further information requested after the 5 working days specified; or after any extension of time granted in exceptional circumstances, further consideration may be given as long as the requested information has been provided alongside a clear and coherent account of why delays have occurred in submitting the relevant information.

If after consideration of this late receipt Officers decide to process the application for eligibility, a '002' file should be created on the 'invalid' case and assessment should continue as normal.

### Applicants who are no longer asylum seekers

If the asylum support applicant is not, or is no longer an asylum seeker and the grace period following notification of the determination of the asylum claim has expired, Officers should send the 'Person not eligible for support because not/no longer an asylum seeker' letter (NASS107). The grace period is 21 days following the notification that an asylum claim has been refused and fully determined, or 28 days following the notification that asylum and leave to remain have been granted. However, former asylum seekers that have a dependant in the UK who was under 18 years of age when their asylum claim became fully determined (or was under 18 within 21 days of that date) remain eligible for support until the dependant reaches 18.

An applicant has the right to appeal against a decision to refuse support on the basis of no longer being an asylum seeker. There is a right of appeal to the Tribunals Service – Asylum Support (Tribunal) against this decision. Officers should seek advice from their Senior Caseworker before refusing support to a person who is not an asylum seeker.

## Assessment - The Test of Destitution

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At this stage of the process, consideration should be given to whether the applicant is destitute and thereby entitled to section 95 support. The information the applicant has provided in their application regarding his (or any of his dependants) assets, income or any other support that could reasonably be expected to become available within the relevant period should be compared with the prescribed threshold that relates to the level of resources expected to meet an asylum seeker's essential living needs. Officers should also consider any special requirements the applicant may claim to have.

### Destitution

Under the terms of the Immigration and Asylum Act 1999, the Agency may provide or arrange for the provision of support for asylum seekers or dependants of asylum seekers, who appear to be destitute or are likely to become destitute within a 14 day period. Applicants are deemed to appear destitute if:

- they and their dependants do not have adequate accommodation or any means of obtaining it (irrespective of whether other essential living needs are met); or
- they and their dependants have adequate accommodation or the means of obtaining it, but cannot meet essential living needs.

Support should be allocated to applicants whose assets, income and other available support fall below the prescribed threshold required for their essential needs. The amount required to meet the applicant and their household's essential living needs should be calculated by adding the total amount the household would receive if it was receiving subsistence only asylum support to the household's reasonable accommodation and utility costs. Where the assets, income and other support are above the threshold for the applicants' circumstances, support should be refused.

If the applicant is not destitute, section 95 support should be refused using the 'Letter to be used where applicant is not eligible for section 95 support (for a reason other than s55 or s57)' (NASS113).

For full details on the assessment process, including what the applicant must declare, determining assets and calculating their value, determining income, calculating the appropriate level of support, the prescribed thresholds and testing destitution see Asylum Support Process Instruction: Assessment and the Test of Destitution.

Once the applicant is considered to be destitute and there are no special requirements to take into account Officers should assess the applicant's application on ASYS. See [Assessment of Cash Support and Accommodation](#). Where the applicant has raised any Special Needs or medical issues which need to be considered, see [Consideration of Special Requirements and other issues](#).

## Consideration of Special Requirements and Other Issues

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Where an applicant is found to be destitute and eligible for section 95 support and has stated that he has special requirements which should be taken into account, Officers should consider whether there are special needs or a medical condition which require specialist assessment.

The applicant has an opportunity to mention on the application form any considerations which he wishes to have taken into account in arranging his accommodation. In some cases, these may be medical issues or the issues raised may suggest that the applicant has a need for care and attention over and above destitution, “a care need.” If an adult asylum seeker is assessed as having a care need, his local authority has a duty to support under section 21, National Assistance Act 1948 and the Home Office has no power to support.

Some care need cases will have been identified at port or screening and those which are clear and urgent should have been referred to a Local Authority for the area in which they present, or for in country applicants, the area where they are currently living. These cases will be rare. In such cases, the local authority has the power to provide support whilst completing a community care assessment.

In cases where there may be a care need but there has been no social services assessment and the case is not clear and urgent, the applicant should be dispersed as normal. The applicant may apply for a care needs assessment in the dispersal area. Officers should request copies of any care needs assessment and, if a care need has been assessed, liaise with the local authority to arrange the transfer of support.

In cases where the applicant is being supported by a Local Authority under section 21 asylum support should be refused using the Letter to be used when the applicant is not eligible for section 95 support (for a reason other than a section 55 or section 57)(NASS113).

For more information, see Asylum Support Policy Bulletin 82: [Asylum Seekers with Care Needs](#). Officers should consult the Policy Bulletin if an asylum seeker with care needs has children or if a child has care needs; the support arrangements are different in these cases.

Different considerations may apply if the applicant has a medical condition for which he is receiving treatment. Officers should refer to the Asylum Instruction on [Healthcare Needs and Pregnancy Dispersal Guidance](#).

### Maternity payments

Pregnant women may be entitled to a one-off £300 maternity payment. Instructions on additional payments to pregnant women and young children aged between 1 and 3 can be found in the Asylum Instructions [Maternity Payment and Additional Support](#) and Asylum Support Policy Bulletin 78 [Additional Payments to Pregnant Women & Children](#).

### Age Disputes

Applicants whose claim to be aged 17 or younger is disputed by the Agency should, for asylum support purposes, be treated as adults in relation to their asylum claim. For further information see the [Change age of applicant or dependant](#) guidance and the Asylum Support Policy Bulletin 33 [Age Disputes](#).

### Unaccompanied Asylum Seeking Children

Unaccompanied asylum seeking children should be supported by the relevant Local Authority and are not eligible for asylum support. Information on applications for support from unaccompanied asylum seeking children turning 18 can be found in Asylum Support Policy Bulletin 29: [Transition at Age 18](#) and the [Change age of applicant or dependant](#) guidance.

Once the applicant is considered to be destitute and Special Needs have been taken into account Officers should assess the applicant's application on ASYS. See [Assessment of Cash Support and Accommodation](#).

### **EEA Nationals**

Paragraph 5 of Schedule 3 of the Nationality, Immigration and Asylum Act 2002 prevents asylum support being provided to citizens of another EEA state (and their dependants), except in so far as it is necessary to avoid a breach of a person's rights under the European Convention on Human Rights (ECHR) or under the Community Treaties. Officers should refer to [Asylum Support Policy Bulletin 76](#) (Asylum support applications from nationals of a European Economic Area State or from persons who have refugee status abroad), when considering requests for asylum support from EEA state nationals.

## Assessment of Cash Support and Accommodation

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Where it has been decided the applicant is eligible for section 95 support, the next step is to assess the level of support to be provided. Officers will need to consider appropriate accommodation for the applicant and dependants if any, and calculate the level of cash support to be allocated.

Applicants can apply for accommodation only, subsistence only or accommodation and subsistence.

### Accommodation

Applicants who have requested accommodation must give full details about their current accommodation and give reasons as to why they will be unable to continue to reside at that accommodation. Officers must consider whether the applicant's current accommodation is adequate and if there is a genuine need for support accommodation.

Officers will need to take into account whether the accommodation is affordable, if the applicant can continue to live there, if the accommodation is overcrowded and the condition of the accommodation.

Where the applicant is residing in Local Authority accommodation and it is determined that the accommodation is no longer adequate, and alternative accommodation can not be found, the Agency may provide accommodation. For further guidance, see Asylum Support Policy Bulletin 11: [Mixed Households](#).

### Cash Support

The amount of cash support which is to be paid depends upon the ages and number of dependants the applicant has, usually the larger the family group the more money is paid. The information entered onto ASYS during Registration will be incorporated into the assessment.

Any assets, income or other support the applicant declared will also be taken into account and where necessary support can be withheld or delayed. Officers can 'claw back' any payments the applicant may have received in initial accommodation or add additional payments such as a maternity payment.

Officers will not be able to make changes to the number of family members included in the assessment, but will be able to change how the individual is assessed, for example a 'couple' can be changed to 'person aged 25 or over'. Officers may be prompted to give reasons for any changes they make.

In order to assess the cash support the applicant is entitled to, Officers should follow the instructions in ASYS User Manual: Using the Automated Assessment Tool. Officers will be able to view a breakdown of support the applicant will receive for the next five years.

Following assessment of support Officers have the option to save the assessment only or to save the assessment and allocate regular support payments. Where Officers chose to save the assessment only the applicant should be informed by letter. See [Asylum Support Letters](#). Where Officers save and allocate support, sending the assessment letter and a support details letter should be produced and sent 1<sup>st</sup> class. Refer to the Asylum Instruction [Allocation of Support](#).

Guidance on how to deal with an application when part of the household is in receipt of Local Authority support is available in Asylum Support Policy Bulletin 11: [Mixed Households](#).

## Decisions to Grant Support

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After it has been determined that the person is eligible for support and the level of support has been decided, Officers should notify the applicant of the positive section 95 and section 55 decisions.

When producing the letters that must be sent to an applicant with a grant of support, Officers must ensure that the addresses within the letter, in particular in the sections on HC2 certificates and the Asylum Support Agreement, are edited so they are their own.

### Partial grants

Asylum applicants may apply for section 95 support in the form of accommodation, cash subsistence, or both. Most applications will result in an outright grant or outright refusal of support. If an applicant qualifies for the accommodation element but not subsistence, the accommodation element should be granted and subsistence refused (or vice versa). This is referred to as a 'partial grant'. Officers should inform the applicant by letter and set out the reasons for refusing to grant the subsistence or accommodation. A partial grant does not attract a right of appeal.

### Outright grants

The applicant and the representative, usually a One Stop Service Provider should be informed by letter of the decision to grant support under section 95.

If the applicant is being granted subsistence-only support and does not have an ARC, Officers should send the 'Subs only section 95 grant letter for applicants without an Application Registration Card (ARC)' (NASS108), accompanied by the Asylum Support Agreement (subsistence only) and a Not Working Declaration. This letter should also include the section 55 decision.

If the applicant is being granted subsistence-only support and has an ARC, Officers should send the 'Subs only section 95 grant letter for applicants with an ARC' (NASS109), accompanied by the Asylum Support Agreement (subsistence-only), a Not Working Declaration and level of cash support table. This letter should also include the section 55 decision.

If the applicant is being granted accommodation and subsistence and is currently living in Initial Accommodation, Officers should send the 'Accommodation and subs section 95 grant letter' (NASS110), accompanied by the Asylum Support Agreement (accommodation and subsistence) and a Not Working Declaration. This letter should also include the section 55 decision. Officers must also update the Initial Accommodation Database.

If the applicant is being granted accommodation and subsistence and is currently living in private accommodation, Officers should send the 'Accommodation and subs section 95 grant letter for those applying from private accommodation' (NASS111), accompanied by the Asylum Support Agreement (accommodation and subsistence) and a Not Working Declaration. This letter should also include the section 55 decision.

### The Asylum Support Agreement

Asylum support is provided subject to terms and conditions. Amongst other things, these include that the applicant must reside at the authorised address and comply with requests from the Agency for information. Officers should ensure that the applicant's name and reference

number is written on the last page of the Asylum Support Agreement before sending it to the applicant, and should make every effort to ensure that applicants sign and return it.

Both the accommodation and subsistence and subsistence-only Asylum Support Agreements are available in a number of common languages. The English versions are attached below. The non-English versions of the Agreement can be generated via the letters page on ASYS.

### The Not Working Declaration

Asylum Seekers and their dependants are not allowed to work unless a decision on their claim has been delayed for over a year from the date of their application, provided that the delay is not attributable to the applicant's actions. Permission to work may be requested before this period but it will normally be denied unless there are truly exceptional circumstances. For further information see the Asylum Instruction [Handling Applications from Asylum Applicants and Active Review Applicants for Permission to take Employment](#).

### HC2 Certificates

HC2 Certificates are issued by the Agency on behalf of the Department of Health. They give entitlement to free NHS prescriptions, NHS dental treatment, NHS wigs and fabric supports, NHS eye sight tests, vouchers towards the cost of spectacles, and refunds of necessary travel costs to and from hospital for NHS treatment. They are issued only to principal support applicants, but details of any dependants are included on the certificate. For further information about HC2s and how they should be issued, see the guidance [HC2 certificates](#).

## Decisions to Refuse Support

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Where it is decided to refuse support for a reason other than section 55 or section 57, Officers should inform the applicant by letter, sending the 'Letter to be used where applicant is not eligible for section 95 support (for a reason other than s55 or s57)' (NASS113). Applicants have the right to appeal against an outright refusal to provide section 95 support for a reason other than section 55 or section 57.

### Appeals

Only an outright refusal of support attracts a right of appeal under section 103 of the Immigration and Asylum Act 1999. The applicant should appeal to the Asylum Support Tribunal within the prescribed timescales. In cases where the applicant has appealed Officers will be expected to prepare an appeal bundle. The bundle should include copies of documentation provided by the applicant in support of his application and the letter which set out the reasons for refusing support.

For further information on the Support appeals process see Asylum Support Policy Bulletin 23: [Appeals Process](#).

## Asylum Support Letters

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The letters relating to eligibility and assessment processes and procedures can be grouped in the categories outlined below:

### General

When Officers issue one of the letters listed below to an asylum applicant, a copy should also be issued to any person acting on the applicant's behalf. In addition, the Officer should send covering letter NASS114 to the voluntary sector and accommodation provider, enclosing a copy of the letter sent to an applicant.

If section 95 support is being refused and there is a right of appeal against the refusal, the refusal letter should enclose a Tribunals Service – Asylum Support Notice of Appeal Form and envelope.

### Access to initial accommodation pending consideration of an asylum support application

NEAT01 – Letter authorising access to initial accommodation to a person who did not apply for asylum at a port of entry immediately on arrival into the UK (issued at screening unit).

### Section 55 of the Nationality, Immigration and Asylum Act 2002

NASS78 – Letter inviting applicant to attend a section 55 interview.

NASS106 – Section 95 refusal letter for applicants who fail to attend their section 55 interview.

NASS75 – Section 55 refusal letter.

NASS107 – Person not eligible for support because not/no longer an asylum seeker.

### Section 57 of the Nationality, Immigration and Asylum Act 2002

NASS20a – Letter requesting further information/accurate information to enable consideration of application for s95 support.

NASS77 – Letter refusing to entertain an application for s95 support on the basis that applicant has failed to provide further information on request (i.e. section 57 refusal letter).

### Assessment and test of destitution

NASS113 – Letter to be used where applicant is not eligible for section 95 support (for a reason other than s55 or s57).

### Outright grants – Subsistence only

NASS108 – Subs only s95 grant letter for applicants without an Application Registration Card (ARC). Letter to be sent out with cash support package, subs only agreement and HC2.

NASS109 – Subs only section 95 grant letter for applicants with an ARC. Letter to be sent out with cash support package, subs only agreement and HC2.

### Outright grants – Subsistence and accommodation

NASS110 – Accommodation and subs section 95 grant letter. Letter to be sent out with HC2 and Asylum Support Agreement.

NASS111 – Accommodation and subs section 95 grant letter for those applying from private accommodation. Letter to be sent out with HC2 and Asylum Support Agreement.

## Covering letters

NASS114 – Covering letter for voluntary sector/rep/accommodation provider to be used when enclosing a copy of a letter sent to an applicant (this could be issued at any stage of the process).

# Document Control

## Change Record

Version	Authors	Date	Change Reference
1.0	JC	26/09/2006	Approved Draft
2.0	MM	20/02/2007	Incorporating support processes and implementing website format
3.0	MM	22/03/2007	Addition of Critical Comment section.
4.0	BF	19/03/2007	Amendment to validation section, various amendments to document.
5.0	MSM	08/08/2007	Amalgamation of policy bulletin 79 (section 57 considerations) and addition of EEA Nationals section
6.0	BF	11/02/2008	Amendment to Voluntary Sector Providers section
7.0	MSM	04/11/2008	Re-branded
8.0	SM	11/09/2009	TSAS envelopes to be enclosed with refusals that carry an appeal right.
9.0	SM	7/09/2009	Children's Duty paragraph inserted
10.0	RB	17/05/2011	Asylum instruction 'Change of age' replaced by modernised guidance 'Change age of applicant or dependant'
11.0	GJB	22/8/2012	1. Policy Bulletin 85 replaced by new Asylum Instruction - Healthcare Needs and Pregnancy Dispersal Guidance. 2. 'HC2' link to asylum instruction 'HC2 certificates' replaced by link to modernised guidance