



Section 4 Review Instruction

This Asylum Instruction (AI) deals with the process for reviewing eligibility for support under Section 4(2) and 4(3) of the Immigration and Asylum Act 1999 ('the 1999 Act').

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Chapter 1 - Introduction

This instruction must be read in conjunction with the AI on [Section 4 Support](#).

For information on the process for reviewing eligibility for support under Section 4(1)(c), which allows support to be provided to a person released on bail from detention under any provision of the Immigration Acts, refer to the [Section 4 Bail Accommodation AI](#).

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

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office 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 Home Office instruction 'Arrangements to Safeguard and Promote Children's Welfare in the Home Office' sets out the key principles to take into account in all activities where a child/children are involved.

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.

1.2 Use of terms

Within this instruction, the term:–

“Caseworker” refers to caseworkers within the Asylum Casework Directorate (ACD) and the Older and Live Cases Unit (OLCU).

“Senior Caseworker” applies to SEO Senior Caseworkers within the ACD and OLCU.

“Applicant” refers to failed asylum seekers who have applied for Section 4 support.

“Supported person” refers to failed asylum seekers who are currently in receipt of Section 4 support.

“Section 4” refers to the provision of support under Section 4(2) and Section 4(3) of the 1999 Act.

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Chapter 2 - Section 4 Review Process

Section 4 cases should be reviewed regularly to ensure that only those entitled to support remain supported. To remain in receipt of support under Section 4 supported persons must continue to satisfy the eligibility criteria set out under [regulation 3 of the Immigration and Asylum \(provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#). In cases where the supported person is found to be no longer eligible or where a condition of support has been breached, support must be discontinued. Reviews must be completed promptly to determine if discontinuation is appropriate.

2.1 General approach to the review

The review must be a complete reconsideration of the individual case, based on the information available at the date of review. In some instances this information will clearly show that the person is no longer eligible for Section 4 support. For example, persons who were placed on support because they lodged further submissions in respect of their asylum claim are unlikely to continue to be eligible for support if the submissions are later rejected. The same applies to persons placed on support because they were pursuing a judicial review against the decision to reject their asylum claim.

Where it is clear that the person no longer satisfies the eligibility criteria, support should normally be discontinued immediately. However, where there are children in the person's household, caseworkers should refer to [Discontinuation of support to families with children](#) before discontinuing support.

In other cases, caseworkers may need to request that the supported person provides evidence as to whether they remain eligible for Section 4 support under [regulation 3 of the Immigration and Asylum \(provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#).

The review process for each eligibility category is detailed below. In all cases, caseworkers must consider if the supported person continues to be destitute and record any change to the supported person's circumstances if notified.

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2.2 Standard review checks

The following checks must be carried out in all cases at each review.

Check if supported person has left the UK

Caseworkers must check CID to determine whether the supported person has left the UK.

If CID shows that the supported person has left the UK (or the AVR Team has confirmed that the supported person has left the UK)

Caseworkers must contact the accommodation provider to confirm that the supported person's accommodation has been vacated, minute ASYS and close the case. See [Ceasing Asylum Support](#).

If CID shows that the supported person has not left the UK

Caseworkers must review eligibility under the relevant and other criteria, considering all the evidence available, including any new evidence which has been provided by the supported person.

Check if the supported person is still destitute

Caseworkers should refer to the Asylum Instruction on [Assessing Destitution](#) for guidance on reviewing if a supported person is still destitute or not.

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Chapter 3 – Reviewing Eligibility for Continuing Support under Regulation 3(2)(a)

This chapter provides guidance on reviewing continuing eligibility for support where that support was granted on the basis that the person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK.

3.1 General

Caseworkers must ensure that the supported person is actively taking all reasonable steps to leave or enable them to leave the UK.

The Home Office considers it is reasonable for applicants who are taking steps to leave the UK voluntarily, either through an Assisted Voluntary Returns programme or independently through other means, to leave the UK within 3 months (6 months for Palestine). This includes obtaining relevant documentation to enable departure.

For guidance on assessing whether a person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK, refer to the [Section 4 Support AI](#).

3.2 First review - six weeks after granting support

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

Although a person granted support under regulation 3(2)(a) is expected to facilitate their departure within 3 months, six weeks after granting support under this criteria, caseworkers should undertake the following checks to see whether the supported person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK:

- Write to the supported person to request evidence of steps the supported person has taken to leave the UK or place themselves in a position in which they are able to leave the UK. The steps taken should be aligned with the Notice of Conditions given to the applicant with their Section 4 support grant letter. Refer to [Requesting further information](#).
- If the supported person has signed up to VARRP, check CID to see if the VARRP application is still approved, or has been withdrawn by the supported person or delayed for any reason.

3.2.1 Outcome of the 6 week review

- If there is sufficient evidence that the supported person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK (i.e.

the VARRP application is still approved), caseworkers must set the next review date for six weeks later.

- If there is evidence that the supported person has not taken steps to leave the UK, or place themselves in a position in which they are able to leave the UK, (i.e. the VARRP application has been withdrawn), then the provision of support must be discontinued unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). Refer to [Discontinue support](#).
- If there is insufficient evidence to assess whether the supported person has taken steps to leave the UK, or place themselves in a position in which they are able to leave the UK, then caseworkers must request that the supported person provides evidence of their continuing eligibility for support. See [Requesting further information](#).

3.3 Second review - 3 months after granting support

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

If the supported person has not left the UK, caseworkers must check CID to see whether there was a legitimate barrier to departure, or that there were exceptional circumstances which prevented departure and that the supported person is still taking steps to leave the UK or put themselves in a position in which they will be able to leave the UK:

- If there is no evidence that there was a legitimate barrier to departure, or exceptional circumstances which prevented departure, the provision of support must be discontinued, unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). Refer to [Discontinue support](#).

If a destitute family with children is assessed as being no longer eligible for Section 4 support, caseworkers should refer to [Discontinuation of support to families with children](#) before discontinuing support.

- If there is evidence that there was a legitimate barrier to departure, or exceptional circumstances which prevented departure, and the supported person remains destitute, caseworkers must continue the provision of support and set the next review date for three weeks later. Refer to [Continuation of Support](#).

Where a supported person continues to be eligible for Section 4 support under this criterion, after the 2nd review, support must be reviewed on an ongoing basis every three weeks until the supported person has left the UK.

- If there is inconclusive evidence of a legitimate barrier to departure, or exceptional circumstances which prevented departure, then if required caseworkers must request that the supported person provides evidence of their continuing eligibility for Section 4 support. See [Requesting further information](#).

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Chapter 4 - Reviewing Eligibility for Continuing Support under Regulation 3(2)(b)

This chapter provides guidance where supported persons are unable to leave the UK by reason of a physical impediment to travel or for some other medical reason.

This chapter also provides separate guidance for reviewing the continuing eligibility of those granted support due to being in the late stages of pregnancy or being a new mother.

4.1 General

When reviewing Section 4 eligibility on the basis of a physical impediment to travel or some other medical reason, the supported person must be asked to provide further relevant written medical evidence, usually in the form of the [Section 4 Medical Declaration](#) in support of his/her application.

For guidance on assessing whether a person is unable to leave the UK by reason of a physical impediment to travel or for some other medical reason, refer to the [Section 4 Support AI](#).

4.2 First review on date advised in the Medical Declaration or by the Asylum Support Medical Advisor

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

If the supported person has not left the UK, caseworkers must write to the supported person requesting an up-to-date Medical Declaration or other medical information, if they wish to continue to be supported on medical grounds. Send a copy of the letter to the applicant's representative. See [Requesting further information](#).

- If the supported person still qualifies under this criterion and remains destitute, caseworkers should usually set the next review date for the date specified in the Medical Declaration or in the advice from the Asylum Support Medical Advisor. They should then issue a continuation of support letter. Refer to [Continuation of Support](#).

If caseworkers have concerns about the review date provided by the GP / NHS Consultant in the Medical Declaration, the caseworker must refer the case to the Asylum Support Medical Adviser using the Asylum Support Medical Adviser Referral Form, attaching a copy of the completed Medical Declaration.

- If the supported person fails to provide evidence that they are unable to leave the UK by reason of a physical impediment to travel or for some other medical reason, the provision of support will be discontinued unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). Refer to [Discontinue support](#).

If a destitute family with children is assessed as being no longer eligible for Section 4 support, caseworkers should refer to [Discontinuation of support to families with children](#) before discontinuing support.

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4.3 Supported persons accepted due to being in the late stages of pregnancy or with a new-born baby

This section provides guidance on reviewing continuing eligibility for support under Section 3(2)(b) for those granted support due to being in the late stages of pregnancy or being a new mother.

4.3.1 First review six weeks after expected date of delivery or six weeks after birth

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

At six weeks, a baby should be old enough to travel. If the supported person has not left the UK, then the provision of support must be discontinued unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). Caseworkers must write to the supported person and their representative explaining that they are no longer eligible for support under this criterion. Refer to [Discontinuation of support to families with children](#) before discontinuing support.

If the supported person still qualifies under this criterion, caseworkers must set a new review date (the new date should be no more than two weeks later).

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Chapter 5 - Reviewing Eligibility for Continuing Support under Regulation 3(2)(c)

This chapter provides guidance where the supported person is unable to leave the UK because in the opinion of the Secretary of State there is no viable route of return.

5.1 Secretary of State Policy Statement

In reviewing a case granted support under this criterion, caseworkers must check on the Home Office Asylum intranet site to see whether the policy statement has been withdrawn and whether, in the opinion of the Secretary of State, a viable route of return has become available. If this is the case, Section 4 support must be discontinued unless the supported person qualifies under another criterion.

5.2 Review after three months or when a policy statement confirming a change of policy in respect of a viable route of return has been issued

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

If the supported person has not left the UK, caseworkers must check for any policy update on the Home Office Asylum intranet site:

- If there continues to be a policy statement which states that there is currently no viable route of return, caseworkers must confirm whether the supported person is still destitute (see [Requesting further information](#)). If so, support must be continued and a new review date set for three months later. Refer to [Continuation of Support](#).
- If the policy statement in respect of no viable route of return has been withdrawn, the provision of support must be discontinued unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). Refer to [Discontinue support](#).

The discontinuation letter should explain that, in the opinion of the Secretary of State, there is now a viable route of return and the supported person is no longer eligible for support under this criterion.

If a destitute family with children is assessed as being no longer eligible for Section 4 support, caseworkers should refer to [Discontinuation of support to families with children](#) before discontinuing support.

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Chapter 6 - Reviewing Eligibility for Continuing Support under Regulation 3(2)(d)

This section provides guidance where the supported person has made an application for Judicial Review (JR) of a decision a decision in relation to his asylum claim.

6.1 Review during JR process

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

Where Section 4 support has been granted on the basis that in England and Wales or Northern Ireland, permission to proceed/leave has been granted, or in Scotland that the supported person has applied for JR, caseworkers must review the case after four weeks by checking CID and with JRU to see if there has been an outcome.

If there has been no outcome and the supported person is still destitute, support should be extended for a further four weeks and a review date set. Caseworkers must continue to review the case every four weeks until the JR is concluded. Caseworkers must review continued eligibility for Section 4 support as soon as the JR outcome is known.

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6.2 Review after JR concluded

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

If the supported person has not left the UK, caseworkers must review the case in the light of the JR outcome.

6.2.1 If the supported person has been granted refugee status

If the supported person has been granted refugee status, discontinue support after 28 days. See [Implementing Substantive Decisions](#) and [Ceasing Asylum Support](#) for further information on how to implement the asylum decision and how to discontinue support.

6.2.2 If the case has been remitted to the Home Office or the First-tier Tribunal (Immigration and Asylum Chamber)

If case has been remitted for reconsideration, the supported person may be eligible for Section 95 support. The caseworker must:

- Check ASYS for the supported person's current address and confirm this with the accommodation provider.

- Write to the supported person and their representative stating they may be eligible for Section 95 support.
- Discontinue support. Refer to [Discontinue support](#).

6.2.3 JR has been withdrawn or refused

If the JR application has been withdrawn or refused, the provision of support must be discontinued without delay unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). The supported person will not be asked to provide any reasons why support should continue before the discontinuation letter is sent out. Refer to [Discontinue support](#).

If a destitute family with children is assessed as being no longer eligible for Section 4 support, caseworkers should refer to [Discontinuation of support to families with children](#) before discontinuing support.

6.3 Interim Court Orders

Where appropriate, caseworkers must check with TSols to confirm whether any court order requiring the Secretary of State to provide interim support has been withdrawn. If the interim order has been withdrawn or expired, the provision of support must be discontinued without delay unless there is evidence that the supported person satisfies one of the other eligibility criteria under regulation 3(2). The supported person will not be asked to provide any reasons why support should continue before the discontinuation letter is sent out. Refer to [Discontinue support](#).

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Chapter 7 - Reviewing Eligibility for Continuing Support under Regulation 3(2)(e)

This chapter provides guidance where provision of support is necessary to prevent a breach of a person's ECHR rights

7.1 General reviewing issues

In cases where Section 4 support has been provided under this criterion, the review period is dependent on the reason for granting support.

Caseworkers must therefore monitor the case and review eligibility according to whether:

- The barrier to removal has been concluded.
- The supported person's late or out-of-time appeal has been refused or been heard and dismissed.
- The supported person's further submissions have been refused or a fresh asylum claim has been recorded, or a form of leave has been granted.

Caseworkers may start the review process 14 calendar days after granting support.

7.2 First review after 14 days

Caseworkers must first carry out the [standard review checks](#) to determine whether the supported person has left the UK.

If the supported person has not left the UK, caseworkers must review eligibility under this and other criteria, according to the evidence available, including any new evidence which the supported person has provided. The process for reviewing support is below.

7.2.1 Check if the supported person has been granted a form of leave or refugee status

If supported person has been granted a form of leave or refugee status, issue a discontinuation letter and terminate support after 28 days.

- See [Implementing Substantive Decisions](#) and [Ceasing Asylum Support](#) for further information on how to implement an asylum decision and how to discontinue support.

7.2.2 Check if the First-tier Tribunal (Immigration and Asylum Chamber) has agreed to hear a late appeal or further submissions have been submitted and accepted as a fresh claim

If the First-tier Tribunal (Immigration and Asylum Chamber) has agreed to hear a late or out-of-time appeal but the appeal has not yet been heard, or if the supported person has made further submissions and these have been accepted as a fresh asylum claim but they have not yet exhausted their appeal rights, they may now be entitled to Section 95 support.

The caseworker must:

- Check ASYS for the supported person's address and confirm this with the accommodation provider
- Issue a discontinuation letter to the supported person and their representative stating they may be eligible for Section 95 support. Refer to [Discontinue support](#)

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7.3 Barrier to removal has been concluded

Where the barrier to removal has been concluded, including where logistical or documentation barriers to leaving the UK have been overcome, or the supported person's late or out-of-time appeal has been refused or been heard and dismissed, or the supported person's further submissions have been refused without a right of appeal, the supported person may no longer be eligible for Section 4 support.

The provision of support must be discontinued without delay unless there is evidence that the supported person satisfies one of the eligibility criteria under regulation 3(2). The supported person will not be asked to provide any reasons why support should continue before the discontinuation letter is sent. Refer to [Discontinue support](#).

If a destitute family with children is assessed as being no longer eligible for Section 4 support, caseworkers should refer to [Discontinuation of support to families with children](#) before discontinuing support.

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7.4 Provision of support is still necessary to prevent a breach of ECHR

If a supported person is still eligible under the same criterion, continue support, set a further review date, and issue a letter confirming the continuation of support. The letter must set out when the provision of support is to be reviewed, and if the supported person is now eligible for support under another criterion, set out the new support grounds. Refer to [Continuation of Support](#).

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Chapter 8 - Complying with Specified Steps to Facilitate Departure – Regulation 6(2)(d)

If the supported person has previously been issued with a specific notice of steps with which they must comply, the caseworker should determine whether the supported person has submitted evidence that he/she has complied with the condition(s). If he/she has complied with the condition(s), the caseworker should determine whether it is appropriate to specify any further steps to facilitate departure from the United Kingdom within the continuation of support letter. If the supported person has not complied with the condition(s), and has not provided a reasonable excuse for not doing so, he/she may have breached the conditions of his/her support. Refer to section 15.6 in the [Section 4 Support](#) AI on Complying with specified steps to facilitate departure – Regulation 6(2)(d).

A template “Conditions of support letter - Specified steps” can be found on the Home Office intranet and must accompany the continuation of support letter.

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Chapter 9 - Requesting Further Information

This chapter provides guidance on requesting evidence from supported persons to prove their continuing eligibility for Section 4 support.

9.1 Caseworker actions

In all cases where further information requests are sent caseworkers should:

- Check ASYS for the current address and confirm this with the accommodation provider. If the supported person is not residing at the address, carry out further investigations to establish where the supported person is residing:
 - If the supported person is deemed to have absconded from the accommodation, consider absconder breach of conditions action under regulation 6(2)(c). Refer to the [Section 4 Support AI](#).
 - If the supported person has been moved, update ASYS and CID with the new address.
- Write to supported person to ask them to clarify the reasons why support should not be withdrawn. Send a copy of the letter to the applicant's representative.
- Give 14 days (plus two for postage) to reply, and arrange to review the case in 16 days.
- Where a reply is received, or at the 16 calendar day review date, consider whether the supported person remains eligible for support.

You must use one of the letters listed below, and ensure that the contact details are correct.

| Review Letters |
|-----------------------------------------------------|
| Review – Medical |
| Review – Judicial Review |
| Review – Assisted Voluntary Return - Steps to Leave |

The full range of Review letter templates can be found on the Home Office intranet.

9.1.1 A reply is received from the supported person

Check if the supported person remains destitute and whether they satisfy one or more of the eligibility criteria under regulation 3(2). See the AI on [Section 4 Support](#) on how to consider and decide eligibility for Section 4 support.

- If the supported person is no longer destitute or/and does not satisfy one or more of the eligibility criteria under regulation 3(2), discontinue support. Refer to [Discontinue support](#).
- If the supported person remains destitute, consider if they are still eligible for support. See the AI on [Section 4 Support](#) on how to consider and decide eligibility for Section 4 support.
- If supported person is still eligible under the same criterion, continue support, set a

further review date, and issue a letter confirming the continuation of support. The letter must set out when the provision of support is to be reviewed;

- If the supported person is now eligible for support under another criterion, maintain support and issue a new support letter setting out the new support grounds and conditions and a further review date. A copy of this letter should be sent to the representative.
- If the supported person is no longer eligible for support, discontinue support. See [Ceasing Asylum Support](#).

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9.1.2 No reply is received from the Supported person

If no reply received from the supported person, review the case on the basis of the evidence which is available, considering whether the supported person is still destitute and, if so, still eligible for support under the same or another criterion:

- If there is no evidence of destitution and eligibility, discontinue support. Refer to [Discontinue support](#)
- If there is evidence that the supported person may have absconded, consider absconder action. If there is evidence that the supported person is regularly absent from the accommodation, consider breach of conditions action under regulation 6(2)(c). Refer to the [Section 4 Support A1](#).

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Chapter 10 - Discontinuing Support

This section provides guidance on discontinuing the provision of Section 4 support following a review.

10.1 Discontinuation of support - General

Where support is discontinued, the supported person has a right of appeal under [section 103 of the 1999 Act](#) to the First-Tier Tribunal – Asylum Support. Refer to the [Section 4 Support AI](#) and the [Asylum Support Appeals AI](#) for further information on Section 4 appeal rights.

Supported persons who have their support discontinued are required to leave their accommodation within 14 calendar days unless the supported person has been granted status, where support must be continued on a discretionary basis for 28 calendar days.

10.1.1 Caseworker actions

To discontinue support, caseworkers must:

- Draft a discontinuation letter setting out reasons.
- Recheck that the address on ASYS has been confirmed by accommodation provider.
- Give 14 or 28 (if the supported person has been granted leave) calendar days' notice (giving an actual date).
- Include a First-Tier Tribunal – Asylum Support [Notice of Appeal Form](#).
- Ensure that the letter is posted on the same day as it is dated.
- If the supported person is represented, **fax and post** the discontinuation letter to the representative.
- Serve a letter on the accommodation provider via the Collaborative Business Portal to notify them that support will end on the due date.
- Update ASYS and CID.

You must use one of the letters listed below and ensure that the contact details are correct.

| Discontinuation Letters |
|------------------------------------------------------|
| Discontinuation letter - General - no reply received |
| Discontinuation letter - General - reply received |
| Discontinuation letter - Steps to leave |
| Discontinuation letter - Successful judicial review |
| Discontinuation letter - Valid appeal |
| Discontinuation letter - Failure to relocate |

For further information on the discontinuation of asylum support, refer to the [Ceasing Asylum](#)

10.2 Discontinuation of support to families with children

When considering whether to discontinue the provision of support under Section 4 of the Immigration & Asylum Act 1999 to families with minors, the course of action taken must be consistent with the Home Office's obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009, to ensure that the decision has regard to the need to safeguard and promote the welfare of children who are in the UK.

If a decision is being made on whether it is appropriate to discontinue support to a family with children where:

- they no longer satisfy the eligibility criteria for support under Section 4 of the Immigration & Asylum Act 1999 (1999 Act);
- they have not been granted any form of leave, and are not eligible for support under Section 95 of the 1999 Act; or
- they have breached the conditions of support as set out under [regulation 6 of the Immigration and Asylum \(Provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#); and, if the family are assessed as being destitute if it were not for the provision of the aforesaid support, then the Home Office must take in to account the impact of any decision on the family before proceeding.

If support is being discontinued as a result of a breach of the conditions of support as set out under [regulation 6 of the 2005 Regulations](#), any decision as to whether it is appropriate to discontinue support must be proportionate to the situation. If the breach was minor, such as failing to report, it may not be appropriate to discontinue the provision of support. If however, the breach was extremely serious, such as extreme violence or vandalism, it may be appropriate to discontinue support. When making decisions as to whether it would be appropriate to discontinue support, caseworkers should consult their senior caseworker before proceeding.

If the discontinuation of support is appropriate, the caseworker should take appropriate steps to safeguard and promote the welfare of the children. Before any action is taken to begin the process to discontinue support, the caseworker should liaise with the local authority, notifying them that the Home Office plans to discontinue support from the family, and request that the local authority provides alternative support. If the local authority makes an offer of support, the provision of support under Section 4 should be discontinued as soon as the family transfers in to local authority care.

If the Home Office considers that the supported family are eligible for support provided by the local authority, but the local authority refuses to provide support, the provision of asylum support must be maintained until the local authority provides support.

If a decision is taken that it would be appropriate to discontinue the provision of support to a family with children, the discontinuation letter should explain why the decision is consistent with the Home Office's obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009.

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10.3 Right of appeal

A person whose support under Section 4 is discontinued has a right of appeal to the First-tier Tribunal Asylum Support (Tribunal).

For guidance on the asylum support appeal process, refer to the [Asylum Support Process AI](#).

For guidance on the provision of support while an appeal is pending against discontinuation of support, refer to the [Section 4 Support AI](#).

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10.4 Withdrawal of decision

If following a case review and during the discontinuation period, the caseworker concludes that the discontinuation decision was incorrect or is no longer valid following submission of further information by the supported person, the original decision must be withdrawn and replaced with a fresh decision.

If the applicant has appealed against the discontinuation of support, caseworkers should refer to the [Asylum Support Process AI](#) for guidance on the withdrawal of decision at the appeal stage.

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Chapter 11 - Continuation of Support Following Review

This section provides guidance on continuing the provision of Section 4 support following a review.

11.1 Caseworker actions

If following a review of the provision of support, the supported person is assessed as continuing to be eligible for support, the provision of support should be maintained. Case Owners should undertake the following actions:

- Draft a continuation letter.
- Recheck that the address on ASYS has been confirmed by the accommodation provider.
- Ensure that the letter is posted on the same day as it is dated.
- If the supported person is represented, **fax and post** the refusal letter to the representative.
- Update ASYS, referring to the Section 4 Applications ASYS user manual for guidance.
- Update CID.

11.2 Continuation of support letter

The continuation of support letter should contain the following information:

- A new review date;
- The condition under which the supported person is supported;
- If appropriate, for the purposes of regulation 6(2)(d) of the 2005 Regulations, the specified steps the supported person is expected to complete to facilitate departure from the UK and by what date. For further guidance on regulation 6(2)(d), refer to the [Section 4 Support A1](#).

You can use one of the templates listed below as a basis for the letter and ensure that the contact details are correct.

| Letters |
|---------------------------------|
| Continuation of support |
| Continuation of support – VARRP |

Continuation of support letter templates can be found on the Home Office Intranet.

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11.3 Maintaining support but under a different criterion

On ASYS, the old case must be closed and a new case opened for the new criterion with the address details entered. The closed date on the old case must be the day before the decision was made on the new criterion and the start date for the new case must be the day the decision was made. There must be no gap in the support period and caseworkers must ensure that no discontinuation letter is issued to the supported person or accommodation provider.

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Chapter 12 - Document Control

12.1 Change Record

| Version | Author | Date | Change made |
|---------|--------|----------|--------------------------------------------------------------------------------------------------|
| 1.0 | MO | 19/04/07 | Published |
| 2.0 | SM | 26/03/08 | Process amendment |
| 3.0 | SK | 21/05/08 | Reps to be copied in to letters sent to SU. |
| 4.0 | SM | 03/11/08 | Re-branding |
| 5.0 | SM | 04/06/09 | ECHR – Doc barriers overcome |
| 6.0 | SM | 11/06/09 | Bail information removed due to introduction of the S4 Bail AI on 15/06/09 |
| 7.0 | SM | 09/07/09 | Introduction of the Medical Declaration |
| 8.0 | SM | 02/10/09 | Children’s Duty paragraphs added |
| 9.0 | SM | 14/04/11 | Change of AVR provider |
| 10.0 | SM | 29/06/11 | Letters replaced with links to Horizon. References to enclosing S95 application forms removed. |
| 11.0 | JL/GJB | 12/09/14 | Removes requirement to send review letters in some cases before discontinuing Section 4 support. |
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