



Home Office

Allocation of accommodation policy

Version 5.0

Contents

Contents.....	2
About this guidance.....	3
Contacts	3
Clearance and publication	3
Changes from last version of this guidance	3
Introduction	4
Policy intention	4
Evidence needed to support the request for accommodation in a particular location	4
Reviewing decisions to agree requests for accommodation in a particular location.....	5
Where it is not possible to provide accommodation in a particular location	5
Application of this instruction in respect of children and those with children.....	5
Relevant legislation	7
Typical request scenarios.....	8
Medical treatment	8
Disability	8
Family ties	8
Education.....	9
Ethnic group	9
Religion.....	10
Legal advice	10
Those being assessed or treated by Freedom from Torture or the Helen Bamber Foundation	11
Background to Freedom from Torture and the Helen Bamber Foundation.....	11
Assessment procedure by either organisation.....	12
Persons awaiting assessment by either organisation and seeking Home Office accommodation for the first time.....	12
Where either organisation decides that the person does not need their services after the assessment process.....	12
Persons accepted for treatment by either organisation: seeking Home Office accommodation for the first time.....	13
Persons who commence treatment: already being provided with Home Office accommodation	13

About this guidance

This guidance tells you how to consider requests from asylum seekers to be accommodated in London or a particular part of the UK. It re-brands and replaces: Dispersal – Accommodation Requests Policy.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Asylum Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance and publication

Below is information on when this version of the guidance was cleared:

- version **5.0**
- published for Home Office staff on **7 March 2017**

Changes from last version of this guidance

- Standard review - update to template only. Substance of instruction unchanged.

Related content

[Contents](#)

Introduction

This instruction provides guidance to caseworkers on how to consider requests from asylum seekers supported under section 95 of the Immigration and Asylum Act 1999 to be accommodated in specific areas of the UK.

Policy intention

Section 97 of the 1999 Immigration and Asylum Act provides that, in exercising the power to provide accommodation, caseworkers must have regard to the desirability, in general, of providing accommodation in areas in which there is a ready supply. Caseworkers must not have regard to the person's preferences.

The overriding principle when allocating accommodation is that it is offered on a 'no choice basis' and as a general rule is provided outside London and the South East and only in areas of the UK where the Home Office has a ready supply.

Caseworkers must, however, consider requests to be allocated accommodation in London, the South East, or another specific location and consider whether there are exceptional circumstances that make it appropriate to agree to the request.

All requests should be considered on a case by case basis, balancing the overarching principle that accommodation is offered on a 'no choice basis' against the strength of the exceptional circumstances that might make it appropriate to agree to the request to provide accommodation in a particular location.

If it is decided not to agree to arrange accommodation in a particular location, reasons should be given and the decision must be compatible with the Home Office's obligations under Human Rights legislation and in line with our obligation to take into account the need to safeguard and promote the welfare of children in the UK.

Evidence needed to support the request for accommodation in a particular location

Requests for accommodation in a particular location should normally be made in writing and be supported, where appropriate, with other documentary evidence, for example from medical practitioners.

Where the request for accommodation in a particular location is made because the person is being considered for treatment or is receiving treatment from Freedom from Torture or the Helen Bamber Foundation, the request should normally be supported by a letter from the particular organisation. Where necessary for the purposes of considering the request, the organisation may be asked to provide information about the date or dates when the person is due to be assessed for treatment and, where treatment is being provided, and the location of the centre where treatment is taking place. Neither organisation should be asked for details of the nature or frequency of the treatment the person is receiving as this information is covered by client confidentiality.

Reviewing decisions to agree requests for accommodation in a particular location

Where a request for accommodation in a particular location is agreed the reasons should be recorded carefully. Where it appears that the person has only a temporary need to be accommodated in a particular location, caseworkers should normally set a review date for the purposes of considering whether the circumstances that made it appropriate to agree to the request still apply at that time of the review. If the circumstances no longer apply, the person may be moved to accommodation in a different area.

Where it is not possible to provide accommodation in a particular location

Caseworkers may encounter some cases where it appears appropriate to provide accommodation in a particular location because of the person's exceptional circumstances, but this is not possible because there is no affordable accommodation in the area.

Where this is the case, the reasons should be provided and best endeavours made to provide alternative accommodation which best suits the person's circumstances. As an alternative, it may be possible to mitigate the negative impact of a decision that accommodation cannot be provided in the location requested by agreeing to pay for travel expenses to visit the particular area. This could, for example, be appropriate in some circumstances to enable attendance for medical appointments or counselling sessions in the particular location requested.

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 important principles to take into account in all activities relating to children.

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

Related content

[Contents](#)

Relevant legislation

The legislation that regulates the provision of support to asylum seekers, including European Legislation and the Human Rights Convention, may be found on Horizon at: Asylum support legislation.

Related content

[Contents](#)

Typical request scenarios

This section deals with the typical requests caseworkers may need to consider.

Medical treatment

Caseworkers may receive requests to provide accommodation in a particular location because the person is receiving medical treatment in that area. Treatment for most medical conditions is available in all parts of the UK and the transfer of responsibility for providing that treatment to different medical practitioners is a normal everyday occurrence within the NHS. Unless there are exceptional circumstances, requests to be provided with accommodation in a specific location solely on the grounds that medical treatment is already being provided in the area should therefore be refused.

The requests may sometimes be made in order to avoid unreasonable disruption of the medical treatment or related assistance that the person is receiving. These requests should be considered carefully, balancing the degree of disruption that may be caused by a move to another area against the overriding principle of allocating accommodation on a 'no choice basis' and outside London and the South East. For cases where the person is pregnant caseworkers should consider the guidance set out in Healthcare needs and pregnancy dispersal.

For cases where the person is receiving treatment or being assessed for treatment by Freedom from Torture or the Helen Bamber Foundation caseworkers should refer to: [accommodation requests from those who are being assessed for treatment or receiving treatment from Freedom from Torture or the Helen Bamber Foundation.](#)

Disability

Caseworkers should have regard to the particular vulnerabilities of asylum seekers and their children who have disabilities or serious health problems. Requests for accommodation in a particular location may sometimes be made in order to avoid unreasonable disruption of any treatment or assistance to cope with the disability that is already being provided. These requests should be considered carefully, balancing the overriding principle of allocating accommodation on a 'no choice basis' and outside London and the South East against the level of disruption caused if the person is required to relocate. Further information should be sought from child welfare agencies and medical professionals if needed.

Caseworkers should have particular regard to cases where a local authority is already providing some support or assistance and support, separate to assistance with accommodation and subsistence, to cater for a person's disability. Where possible accommodation should normally be arranged close to where the support or assistance from the local authority is being provided. See: Asylum seekers with care needs.

Family ties

When considering requests for accommodation near to relatives or friends caseworkers should have regard to Article 8 of the European Convention on Human Rights.

Article 8, "Right to respect for Private and Family Life":

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others".

The person's individual circumstances and the nature of their relationship with the particular relative or friend should be carefully taken into account. However, these factors will not by themselves usually outweigh the public interest of allocating accommodation on a 'no choice basis' outside London and the South East and in areas of the UK where the Home Office has a ready supply.

Caseworkers may receive requests to provide accommodation in a particular location in order to enable the person to maintain contact with a child from a previous relationship. These requests should be considered on a case by case basis. In some circumstances, where it is accepted that arrangements may need to be made to enable reasonable contact with the child, it may be more appropriate to agree to pay reasonable travel expenses to facilitate the contact.

Education

Requests for accommodation in a particular location because the person's children are attending school in the area should normally be refused, as arrangements can be made to transfer the children to a school in another area.

However, accommodation may temporarily be arranged in the area requested if the child has started their final school or college year leading up to their GCSE, Scottish Highers, AS or A-level exams (or their equivalents), provided they have been enrolled at that school for a significant part of the previous school year.

Persons will not benefit from this concession if they have previously been uncooperative (for example if they have previously failed to travel to accommodation allocated to them without reasonable excuse) or they are requesting accommodation for the first time, having previously been supported through subsistence payments only, and it appears that they delayed a request for accommodation without good reason in order to take advantage of the concession.

If a person has a child with special educational needs who has gained entry to an appropriate school, accommodation should normally be provided near to the school, unless it is clear that accommodation can be arranged near to another location where there is an appropriate school that the child can be transferred to.

Ethnic group

Caseworkers may receive requests to provide accommodation in a particular location because the person is a member of a particular ethnic group and there are

significant members of the same group in the area. Requests made solely on this basis should normally be refused because the factor will not outweigh the overarching principle that accommodation should be provided on a 'no choice basis'. The Home Office provides accommodation in areas which generally have established ethnic minority communities and where voluntary and community infrastructures are in place.

Religion

Caseworkers may receive requests to provide accommodation in a particular location because the person is a member of a particular religion and there are significant members of the same religion in the area. Requests made solely on this basis should normally be refused because the factor will not outweigh the overarching principle that accommodation should be provided on a 'no choice basis'. The Home Office provides accommodation in areas which generally have established minority religious communities.

A request made for accommodation within reasonable travelling distance of a particular place of worship used by a religious group (for example a church, mosque or temple) should be considered carefully and agreed wherever possible. Although the factor should be given limited weight if there are other places of worship used by the same religious group in other areas.

Legal advice

Requests for accommodation in a particular location because the person's legal advisers are nearby should normally be refused. The person has the option of transferring to an alternative legal adviser in the area where accommodation is allocated or travelling to meet their adviser. The costs of travel to attend essential legal appointments are paid for through legal aid.

Related content

[Contents](#)

Those being assessed or treated by Freedom from Torture or the Helen Bamber Foundation

This section deals with the actions that may need to be taken when an applicant is being assessed or treated by either Freedom from Torture or the Helen Bamber Foundation.

Background to Freedom from Torture and the Helen Bamber Foundation

[Freedom from Torture](#) is dedicated solely to the treatment and documentation of survivors of torture. Freedom from Torture offers:

- medical, psychiatric and psychological consultation
- assessment and treatment
- short and long term rehabilitation through social care, casework and counselling
- psychotherapy
- physiotherapy
- complementary therapies
- group and family work
- medico-legal reports
- small financial grants as well as practical assistance with accommodation and welfare agencies for clients receiving treatment

Freedom from Torture's main treatment centre is in London, but it has smaller centres in Birmingham, Glasgow, Manchester and Newcastle. Because Freedom from Torture's centres outside London have very limited capacity, caseworkers must not allocate accommodation to an area outside of London or relocate a person from one area to another without checking that the particular centre has capacity to treat the individual.

The [Helen Bamber Foundation](#) works with survivors of torture, war, genocide, human trafficking for sexual exploitation or labour (modern day slavery), gender based violence (including violence on the basis of one's sexuality) and extreme domestic violence. The Helen Bamber Foundation offers:

- specialist programmes of psychological care, psychotherapy and counselling for individuals and groups, including intensive trauma-focussed therapy
- provision of Medico-Legal Reports
- medical assessments and co-ordination of healthcare services
- physical rehabilitation therapies and activities
- safeguarding and intensive contact for survivors of human trafficking
- welfare and housing casework
- a Creative Arts and Employability Skills Programme
- clinical research

The Helen Bamber Foundation is based in London.

Assessment procedure by either organisation

Referrals to either organisation, from whatever source, are assessed on the basis of the information contained in the application. The procedures in each organisation may differ slightly but could result in a decision to either:

- reject the request without an appointment
- invite the applicant to complete an assessment
- move directly to an appointment with a clinician

Persons awaiting assessment by either organisation and seeking Home Office accommodation for the first time

If the person is awaiting assessment by either organisation and is receiving temporary support under section 98 of the 1999 Immigration and Asylum Act in an initial accommodation facility, pending a decision on the location of their longer term accommodation provided under section 95 of the 1999 Immigration and Asylum Act, consideration should be given to deferring the decision until the outcome of the assessment process is known.

Either organisation may be contacted to give an indication of when the assessment process is likely to be completed, in order to assist the caseworker in the decision on whether deferment is appropriate.

In some cases it will not be appropriate to defer the decision because the assessment consideration by either organisation may take some time to complete. In these cases strong consideration should be given to any request to provide section 95 accommodation near to the centre where the assessment procedures are to take place.

If the request is not agreed, reasons should be given and where appropriate the matter discussed with the particular organisation.

Where either organisation decides that the person does not need their services after the assessment process

If, following their assessment procedures, either organisation decides that a person does not require their specialist services they will notify the Home Office in writing as soon as possible.

Either organisation may recommend another organisation that can offer an appropriate level of support or recommend that the person be accommodated in a particular location. Such requests should be given serious consideration.

Persons accepted for treatment by either organisation: seeking Home Office accommodation for the first time

If the person is accepted for treatment by either organisation they should normally be provided with accommodation as close as possible to the centre where the treatment is to take place.

For persons who are receiving treatment at Freedom from Torture's London centre or those receiving treatment at the Helen Bamber Foundation, this means that accommodation should generally be provided within travel zones 1-6 in London.

For persons receiving treatment at one of Freedom from Torture's regional centres, this means accommodation should be provided within 1 hour travelling distance of the centre.

Caseworkers must also note any special accommodation requirements indicated by either organisation and carefully consider any recommendations put forward. As a general rule, and wherever possible, persons receiving treatment by either organisation should not be required to share bedrooms with strangers.

In exceptional cases, either organisation may also consider that self-contained accommodation or other special arrangements are clinically necessary for the person and notify the caseworker. As a general rule, and wherever possible, these needs should be provided for.

Caseworkers should not ask for details of why the organisation considers that self-contained accommodation or other special arrangements are necessary, and they should not refer the case to the Home Office Medical Adviser.

Any request to move a person from accommodation that either organisation considers is unsafe or unsuitable should be handled on an urgent basis.

Persons who commence treatment: already being provided with Home Office accommodation

If a person who is already being provided with Home Office accommodation provided under section 95 of the 1999 Immigration and Asylum Act commences treatment with either organisation their accommodation needs should be reassessed and careful consideration given to relocating them into suitable accommodation near to the centre where their treatment is to take place.

These requests should be considered on a case by case basis, taking into account all relevant factors, including the frequency of the treatment and the availability of accommodation in the location requested.

Where it is decided that the person should remain in their existing accommodation, caseworkers should give written reasons for the decision and consideration should be given to meeting reasonable travel expenses to enable their attendance at either organisation for treatment. If the treatment centre is more than 3 miles from the person's accommodation, reasonable travel expenses should normally be met.

Related content
[Contents](#)