

# Support for asylum seekers

in the UK



## Saman's story:

“ I arrived very late at Heathrow and told the immigration official that I wanted to claim asylum. He asked me my name, where I had come from and how I travelled to the UK. Then he sent me to a hotel near the airport and the staff working there gave me some food and took me to one of the rooms to sleep. The next morning they helped me to fill in a form which they said was for accommodation and money for food. There were a lot of questions on the form.

That was nearly a week ago and I'm still waiting to hear back from them. I've no idea where they'll send me next or if they'll give me any money. If they turn me down I don't know what I'll do... ”

If you are an asylum seeker in the UK you are entitled to claim **asylum support** (somewhere to live and money for food and clothes) whilst your claim for asylum is being decided. This is important because you are not usually allowed to work whilst claiming asylum. The Home Office department responsible for asylum support is the UK Border Agency (UKBA).

In this guide we explain how to get asylum support and what to do if you are refused or your support is stopped.

Asylum law uses lots of technical words, so see our jargon buster for an explanation!

Before April 2007 the department responsible for asylum support was National Asylum Support Services (NASS). Sometimes you still hear people talking about NASS but they mean asylum support provided by UKBA.

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## Can I get asylum support?

To qualify for asylum support you must meet these criteria:

### Are you under 18?

Children under 18 who come into the UK alone ('unaccompanied minors') are not able to claim asylum support but are instead looked after by their local authority.

- You have made a claim for asylum or a claim under Article 3 of the European Convention on Human Rights.
- Your claim was made at a 'designated place' – this means at the Asylum Screening Unit in Croydon, or at the air or sea port if you applied for asylum on arrival.
- Your claim or appeal is still being decided.
- You are aged 18 or over.
- You are destitute or will become destitute within 14 days. This means that you don't have enough money for yourself and children or you have nowhere to live.

If you have dependents such as children under 18 or a partner, husband or wife you will receive support on their behalf.

## How will the UKBA support me?

There are two main types of support. The first is for people who have made a claim for asylum (known as Asylum Support). The second is only available to some people whose asylum claim has failed but who are unable to return to their home country for a particular reason, for example they are too unwell to travel home (known as Section 4 Support).



# Asylum support

When you make an application for asylum and apply for support, you will normally be given what is called Asylum Support. Asylum Support is given to you while your claim for asylum is being considered. You will be found somewhere to live and will be given between £35 and £42 per week depending on your age and situation. Additional financial support will be provided if you have children with you. To apply for support you must complete an Asylum Support Application Form which you can download from the Home Office website or get from your nearest 'one stop service' (see 'Further help' on page 7). One stop services can help you to complete the form and send it off to the correct UKBA Regional Office on your behalf.

Once UKBA approves your application you will be given accommodation and money for food and living expenses. You will not have any control over where you live as most asylum seekers are now sent to different parts of the country shortly after they arrive. This is called dispersal. Some asylum seekers are allowed to remain in London but only in special circumstances.

If you already have a place to stay, you can apply for the money part of the support only. This is called subsistence only support. You can get help applying for this at your nearest one stop services (see 'Further help' on page 7 for how you can find one near you).

## How long will I get support for?

### Families with dependent children

If you have dependent children you'll get support until either you leave the UK or until your youngest child turns eighteen.

You will continue to get support until you receive a final decision on your asylum application. This includes appeals. If you are granted leave to remain, your support will stop 28 days after you receive the decision. After that you are allowed to work or claim welfare benefits such as Income Support or Job Seekers Allowance (see 'Further



help' for more information on the benefits system in the UK).

If your asylum application is refused (including appeals) you will no longer be entitled to asylum support and it will stop 21 days after you get your decision. At this point the Home Office expects you to make arrangements to return home. However, if you are unable to leave the UK for some reason you may be entitled to Section 4 support (see below).

## 'Section 4' support for failed asylum seekers

If your claim for asylum fails you may be able to get Section 4 support, but the rules about who can get it are very strict. First of all you must be destitute. This means that you don't have enough money for yourself and children or you have nowhere to live. Secondly, you will need to show one of the following:

- You have applied to return home and are waiting for the arrangements to be finalised. You will need to provide proof of this to UKBA, for example that you have made an application for voluntary return with the International Organisation for Migration (IOM).
- You can't leave the UK because you have a serious medical problem that stops you from travelling. You will need to provide a letter from your doctor stating what is wrong with you, why you are too ill to travel and with a time estimate as to when you will be fit to travel.
- The Home Secretary says that there is no safe route of return to your country (at the time of writing this doesn't apply to any country).
- You have applied for a judicial review of your asylum claim decision.
- You have sought to make a fresh claim for asylum or a claim under Article 3 of the Human Rights Act.

If you qualify for Section 4 support you will receive accommodation, and you may also receive up to £35.00 pounds worth of vouchers per week. There is no cash support available under Section 4.

# No asylum support? What can you do about it?

Has UKBA turned down your application for support? Or did you get support in the past but UKBA has now stopped it? If so, you might have a right to appeal this decision. In this section we explain who has the right to appeal and how to go about it.

## Can I work?

**Asylum seekers are not allowed to work. However, if after 12 months UKBA have not made a decision on your asylum claim (or on a “fresh asylum claim”) you can ask for permission to work.**

## If UKBA refuses to give you support

If you apply for support but UKBA say that you don't meet the criteria

(see ‘Can I get asylum support?’) you will have the right to appeal. This includes both asylum seekers who make a claim for support after they make an asylum claim, and failed asylum seekers who apply for Section 4 support. UKBA will write to you explaining why you've been refused.

## If UKBA stops your support

If UKBA decides to take away your support before you've received a final decision on your asylum claim, you will also have the right to appeal.

UKBA can stop your support if they decide you no longer meet the criteria. For example, they may say that you do have money to live on, or that they believe you have broken one of the rules under which asylum support is given. This includes things like not giving UKBA all the



information they asked for, damaging the house you live in, staying away from your accommodation without informing BIA, working while getting support etc. You should have got a copy of these rules in a language that you understand when you first received your asylum support.

If you think that you still meet the criteria and that you haven't broken any of the rules you can make an appeal against UKBA.

# Appeals against UKBA

Appeals against UKBA are known as asylum support appeals. These appeals are heard by a special tribunal based in East London called the First-tier Tribunal Asylum Support (AS). The AS is independent from the Home Office and the Tribunal Judges are qualified lawyers. See ‘Further help’ on page 7 for a link to their website.

## How to appeal

If UKBA decides to refuse you support, or to withdraw your support while you may still be entitled to it, they will write you a letter explaining their reasons. With this letter, you should also receive an appeal form known as a Notice of Appeal. You will have **three days** from the date you receive the UKBA letter to appeal. It is very important to fill this form in promptly and correctly as AST may not accept it if there is

information missing or if it late. You should say on the form if you require an interpreter. If you need help completing the appeal form you can go to your nearest one stop service (see ‘Further help’).

Your appeal will be heard by a Tribunal Judge about ten days after you send in your appeal form. Tribunal Judges are independent and their job is to decide whether UKBA was correct in refusing you support.

If you do not want to go to the hearing, or it would be too difficult for you to go because you have an illness or disability, you can ask the Tribunal Judge to make his decision based on the papers you, and any of your representatives, have given to the Tribunal. If the Tribunal Judge doesn't think they can make a decision from the information in the papers alone, they will write to you (and your representative if you have

one) to ask you to come to the hearing instead.

Going to the hearing will give you a chance to tell the tribunal judge your side of the story and the reason you think UKBA made the wrong decision. UKBA will provide you with travel tickets to Croydon and, if you live far outside London, overnight accommodation.

## What happens at the hearing?

It is important that you arrive at the Tribunal at least an hour before your hearing. This means that you will be able to get any free legal advice that is available on the day. A charity called Asylum Support Appeals Project (ASAP) offers free legal advice and help everyday except Wednesday. If your hearing is taking place on any day except Wednesday

tell the receptionist that you would like ASAP to help you.

The Tribunal Judge will be at the hearing. There may also be a person from UKBA. Their job is to say why the decision to refuse or take away your support is correct.

If you have requested one on your Notice of Appeal form, there will also be an independent interpreter there. Their job is to help you by translating everything that is said in the Tribunal, including what you say.

At the start of the hearing, the Tribunal Judge will explain what is going to happen during the hearing. They will also make sure that you speak the same language and dialect as the interpreter and that you understand each other.

The UKBA representative will then tell the court about your asylum application and explain the reason why they think you are not entitled to support.

It will then be your turn. If you have a legal representative, their job is to ask you questions about your living

conditions and show why you are entitled to support. If you don't have a representative, you will be asked these questions by the UKBA representative. The Tribunal Judge may also ask you questions and this is usually to make sure that they have all the information they need before they make a decision.

## Appeal decision

At the end of your hearing the adjudicator will make one of three decisions:

- They can allow your appeal which means that you are entitled to asylum support.
- they can send your appeal back to UKBA (called remitting your appeal) asking them to reconsider your application.
- they can dismiss your appeal which means that you are not entitled to support.

If your appeal is sent back to UKBA and UKBA again refuse to support you, you have another right to appeal.

You will be sent the reasons for the decision in writing shortly after the hearing.

If you have been refused support from UKBA and your circumstances have changed, you can re-apply for UKBA support. If this happens, contact your local one stop service for advice (see 'Further help').

## Free legal advice at the Tribunal

Most asylum seekers who are appealing against UKBA don't have anybody to represent them at their hearings. This is because there is no legal aid available for asylum support appeals. However, **on Mondays, Tuesdays, Thursdays and Fridays, the Asylum Support Appeals Project (ASAP) provides free legal advice and representation to asylum seekers** whose appeals are on those days. See 'Further help' on page 7 for more details.

## Are you an adviser?

If you are an adviser working on an asylum support issue you can get legal advice from ASAP by calling 0845 603 3884.



## If your appeal is dismissed

If your appeal is dismissed you will be in a very difficult situation. You will get no more help from the government but in some parts of the country there are charities, community groups, and churches

who try to help asylum seekers like you. Your nearest one stop service should be able to give you the details of organisations who might be able to help.

# Jargon buster

| The jargon  | What it means  |
|---|--|
| <b>Asylum support</b>                                       | Somewhere to live and money for clothes and food whilst your asylum claim is being decided.  |
| <b>Asylum support appeals</b>                               | These are appeals against UKBA decisions to stop or refuse you support. They are heard by the Asylum Support Tribunal (AST).   |
| <b>UKBA</b>   | United Kingdom Border Agency – the government department which manages immigration in the UK and is responsible for asylum support.  |
| <b>Designated place</b>                                     | Usually a Home Office screening unit in Croydon, Liverpool or Solihull.  |
| <b>Destitute</b>  | Not having enough money for you and your children to live on or having nowhere to live.  |
| <b>Dispersal</b>  | Being dispersed means that the Home Office will send you to accommodation in another part of the country, away from London.  |
| <b>Article 3 of the European Convention on Human Rights</b> | Protects people from torture and inhuman or degrading treatment or punishment.   |
| <b>Home Secretary</b>                                       | The minister in charge of the Home Office.   |
| <b>Judicial review</b>                                      | The power of the Administrative Court to review the decisions of lower courts, tribunals, and administrative bodies.   |
| <b>Leave to remain</b>                                      | The right to stay in the UK. Once you have this right, you will also be able to work in the UK. There are four different types of leave to remain following a claim for asylum or under the Human Rights Act: Humanitarian Protection, Discretionary Leave, Indefinite Leave to Remain and Refugee Status. How long you are allowed to stay in the UK and what other rights you have while you are in the UK will depend on which type of leave to remain you have been given. |
| <b>Local authority</b>                                      | Your local authority runs local services like schools and rubbish collection. It also looks after asylum seeking children who come to the UK on their own.   |
| <b>Notice of appeal</b>                                     | The appeal form which UKBA sends when they write to you explaining their reasons for stopping or refusing your support.  |
| <b>One stop services</b>                                    | Run by independent voluntary organisations one stop services offer asylum seekers help with asylum support applications, advice on accommodation, travel for asylum interviews, benefits, housing and health.  |
| <b>Subsistence only support</b>                             | When you only receive the money part of asylum support because you already have somewhere to stay.   |
| <b>Unaccompanied minors</b>                                 | Children under 18 who come into the UK alone.  |

# Further help

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## You can download Asylum Support forms and guidance from the UKBA website

[www.ukba.homeoffice.gov.uk/asylum/support](http://www.ukba.homeoffice.gov.uk/asylum/support)

You can also obtain information from UKBA by phoning the Asylum Support Customer Contact Centre on **0845 602 1739** between 9am–5pm, Monday to Friday.

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### ● One stop services

One stop services can give advice and help you with the asylum process.

Find one stop services in your area here:

[www.bia.homeoffice.gov.uk/asylum/helpandadvice/onestopservices](http://www.bia.homeoffice.gov.uk/asylum/helpandadvice/onestopservices)

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### ● Appeals against UKBA are heard by the First-tier Tribunal (Asylum Support)

#### First-tier Tribunal (Asylum Support)

Anchorage House  
2nd Floor  
2 Clove Crescent  
East India Dock  
London  
E14 2BE

Telephone: **0800 389 7913**.

Open Monday to Friday, 9am–5pm  
(calls are free)

[www.asylum-support-tribunal.gov.uk](http://www.asylum-support-tribunal.gov.uk)

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### ● Benefits

[www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/BeginnersGuideToBenefits/index.htm](http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/BeginnersGuideToBenefits/index.htm)

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### ● Asylum Support Appeals Project (ASAP)

ASAP provides asylum seekers with free legal representation and advice in their asylum support appeals on a first come, first served basis. ASAP cannot give you advice over the phone or at their offices but they can help your adviser to help you.

Telephone: **0845 603 3884**  
(Monday, Wednesday and Friday)

If you are an adviser working on an asylum support issue you can get legal advice from ASAP by calling **0845 603 3884**.

[www.asaproject.org](http://www.asaproject.org)

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### ● Housing

Shelter is a charity that can provide advice if you are homeless. Shelter have a free housing advice helpline – **0808 800 4444** Open 8am–8pm Monday to Friday and 8am–5pm Saturday and Sunday.

[www.shelter.org.uk](http://www.shelter.org.uk)

This information is produced by Advicenow. Other guides include:

- How to get good asylum advice
- Your rights in the UK if you are from an A8 country
- Your rights in the UK if you are from the EEA
- Is that discrimination?
- Dealing with discrimination at work
- Parents apart
- Trouble at school
- LivingTogether
- Family Mediation
- Working parents (or parents to be)
- Young workers
- Divorce – a survival toolkit
- Homeless and young? Get your foot in the door...
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Claiming compensation
- 10 steps to sorting out your debts
- Dealing with bailiffs
- What's a contract?
- Do I need a lawyer?
- Seven steps to solving a problem

You can read or download all these guides and more at [www.advicenow.org.uk](http://www.advicenow.org.uk)

*“Advicenow is the liveliest, least stuffy, most accessible and understandable website on legal matters that I’ve ever come across.”*

Marcel Berlins, *The Guardian*

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**The information in this guide applies to England and Wales only.**

**The law is complicated and every case is different. Get advice.**

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If you have any comments on this leaflet please email us at [feedback@advicenow.org.uk](mailto:feedback@advicenow.org.uk)



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