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## **Asylum support: Additional support to meet particular needs or circumstances**

The Home Office has issued guidance and an application form for asylum-seekers applying for additional support to meet particular needs or circumstances. This information sheet explains when people can apply for additional support and how they can do so. It also highlights a Home Office consultation on the level of support for all asylum-seekers.

### **Financial support for asylum-seekers**

The Home Office provides support under section 95 of the Immigration and Asylum Act 1999 to asylum-seekers with a pending asylum claim (or fresh asylum claim once accepted as such) if they would otherwise be destitute. Many asylum-seekers will be destitute because they are not generally allowed to work in the UK. Section 95 support is intended to meet their 'essential living needs' and is set at a very low rate, currently £36.95 per person per week (which is approximately half the level of Income Support payable to adults over 25 years).

Essential living needs may be understood as the minimum standard of living necessary to ensure that a person may meet their needs for subsistence, an adequate standard of health, the ability to pursue their asylum claim and respect for their human dignity. In determining the level of cash support for asylum-seekers to meet their essential living needs, the Home Office calculates the amount it considers necessary to cover food (£25.35), toiletries (£1.25), non-prescription medication (£0.70), household cleaning items (£1.02), clothing (£2.55), communications such as telephone, fax and postage costs (£3.05), travel and access to social, cultural and religious life (£3.05).

In the case of *R (Refugee Action) v Secretary of State for the Home Department* [2014] EWHC 1033 (Admin) (09 April 2014), it was held that the Home Office support rate reflects the essential living needs identified by the Home Office that apply to asylum-seekers generally. Where asylum-seekers have particular needs or where they experience particular circumstances that were not anticipated by the Home Office in its calculation of the rate of support, the Home Office should meet these on a case-by-case basis through its powers under section 96(2) of the Immigration and Asylum Act 1999. This section states that:

*If the Secretary of State considers that the circumstances of a case are exceptional, he may provide support under Section 95 in such other ways as he considers necessary to enable the supported person and his dependants (if any) to be supported.*

The Home Office has now published guidance on applying for additional support under this provision and has made an application form available.

## Who may apply for additional financial support?

Asylum-seekers supported by the Home Office under section 95 of the Immigration and Asylum Act 1999 can apply for additional support under section 96(2) if they have an essential need that was not taken into consideration by the Home Office in the allowance for the general population of asylum-seekers. This may be because it is a need that is different from the needs of asylum-seekers more generally. It may also be because it is a need that is common to all asylum-seekers but more costly for the individual because of their particular circumstances. This is not explained in the guidance but an example might be where it is more expensive for a person to travel to a place of worship because they are housed far away from their nearest mosque or temple, even though attending religious services may be a need that was taken into account in all cases.

## What kinds of additional needs may be considered?

The Home Office guidance gives some examples of the kinds of situations in which asylum-seekers may have additional needs. These might include:

- A person who needs to make a high number of essential journeys. In the *Refugee Action* case, the judge identified that travel costs to attend appointments at Freedom from Torture (and similar services) as an additional need that should be covered.
- Someone who has a need for additional resources due to a health condition.
- An exceptional event leading to additional expenditure, for example replacing belongings lost in a fire.

This is not a complete list and there will be many other examples of asylum-seekers who have different needs or needs that are more costly to meet because of their particular circumstances. The additional need must also be one that would not be met by other public bodies such as a local authority, education department or the National Health Service. For example, the Home Office would not provide additional support for a person with a health condition if that support would be provided by a local authority under community care duties.

## How do asylum-seekers apply for additional support?

Asylum-seekers must use the new application form ASF2 to apply for additional support. They will need to provide details of their need and their particular circumstances and explain the further support they need, its cost and how long it is likely to be needed. The application form is available at: <https://www.gov.uk/government/publications/application-for-additional-asylum-support-form-asf2> Asylum-seekers can also contact the Asylum Support Application Service (<http://asylumhelpuk.org/>) for assistance in completing and submitting the ASF2.

The Home Office guidance on section 96(2) applications for additional support is available at: <https://www.gov.uk/government/publications/applications-for-additional-support>

The Home Office may provide the additional support in different ways, for example by changing a person's accommodation or by providing an additional cash allowance.

## Consultation on the general level of financial assistance for asylum seekers

The Home Office has recently published its 2016 review of the financial assistance provided to asylum-seekers generally and decided not to increase the level of support. Its report is available at: <https://www.gov.uk/government/publications/report-on-review-of-cash-allowance-paid-to-asylum-seekers>. The Home Office is now consulting on the asylum support rates for 2017/18 with a deadline for responses of **28 April 2017**. We would encourage organisations with experience of how asylum-seekers are affected by level of support to respond. Contact ILPA for details of where to send responses.