



Home Office

Allocation of asylum accommodation policy

Version 9.0

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About this guidance

This guidance advises caseworkers on how to consider requests from asylum seekers on asylum support, to be accommodated in a particular location. It contains the suitability criteria for accommodating asylum seekers at non-detained accommodation sites: ex-Ministry of Defence (MoD) sites (including, but not limited to RAF Scampton and MDP Wethersfield), vessels (including, but not limited to the Bibby Stockholm vessel at Portland Port) and Napier accommodation. It also includes guidance for room sharing in other forms of accommodation.

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 the Asylum Policy team.

If you identify 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.

Publication

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

- version **9.0**
- published for Home Office officials on **12 July 2023**

Changes from last version of this guidance

Policy updates to include ex-MoD accommodation sites, vessels, and room sharing.

Related content

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Introduction

This instruction provides the following:

- guidance to caseworkers on how to consider [location](#) requests from asylum seekers supported under [section 95 of the Immigration and Asylum Act 1999](#) to be accommodated in specific areas of the UK
- [suitability criteria](#) for accommodation at non-detained ex-MoD sites, non-detained vessels and Napier accommodation. Considerations for room sharing for asylum seekers accommodated in other accommodation
- guidance to caseworkers on how to deal with grants of section 95 accommodation and subsistence support for those living in private accommodation

Location

Legislation and policy intention

[Section 97 of the Immigration and Asylum Act 1999](#) provides that, in exercising the power to provide accommodation, you must have regard to the desirability, in general, of providing accommodation in areas in which there is a ready supply.

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 more accommodation available. This is to ensure that the best outcome with respect to value for money is achieved.

In considering requests to be allocated accommodation in London, the South East, or another specific location, you must consider whether there are exceptional circumstances that make it appropriate to agree to the request. Exceptional circumstances should be considered on a case-by-case basis but may include, for example, serious risks around health and safety or security. The strength of the exceptional circumstances might make it appropriate to agree to the request to provide accommodation in a particular location, despite the ‘no choice’ general rule.

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.

[Section 97\(3A\) of the Immigration and Asylum Act 1999](#) sets out the matters which can form the basis on which asylum seekers and failed asylum seekers who are in need of support can be provided with different types of accommodation. There is currently no obligation to provide a specific form of accommodation. The accommodation provided to asylum seekers and failed asylum seekers is not linked to the progress of their claim, appeal, or their compliance with the rules. However, a

breach of the conditions of their support may result in withdrawal of support. The intention of section 97(3A) is to allow for the use of certain types of accommodation to house certain cohorts of asylum seekers and failed asylum seekers in order to increase efficiencies within the system and increase compliance.

Regulation 13 of the [Asylum Support Regulations 2000](#) requires us to have no regard to an asylum seeker's "personal preference as to the nature of the accommodation to be provided". However, whilst we are not obliged to have regard to an individual's preferences on the locality and nature of accommodation, the Home Secretary is obliged to consider the individual circumstances of each applicant, including their needs and family ties (*R (Hetoja) v Home Secretary* [2002] EWHC 2146 (Admin)).

The [Equality Act 2010](#) has also been considered, particularly in respect of the definition of room sharing.

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 individual 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 individual is due to be assessed for treatment and, where treatment is being provided (such as the location of the centre). Neither organisation should be asked for details of the nature or frequency of the treatment the individual 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 individual has only a temporary need to be accommodated in a particular location, you 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 individual may be moved to accommodation in a different area.

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

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

Where this is the case, the reasons should be provided to the individual and best endeavours made to provide alternative accommodation which best suits the individual'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](#) (2009 Act) 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 of the 2009 Act. 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

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Typical request scenarios

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

Medical treatment

You may receive requests to provide accommodation in a particular location because the individual is receiving medical treatment in that area. Care and treatment for most medical conditions is available in all parts of the UK and the transfer of responsibility for managing an individual care and/or providing that treatment to different NHS organisations 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 care or treatment is already being provided in the area should therefore be refused, particularly if primary care based

The requests may sometimes be made in order to avoid unreasonable disruption of the medical care or treatment or related assistance that the individual is receiving from the NHS. 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 individual is pregnant you should consider the guidance set out in Healthcare needs and pregnancy dispersal.

For cases where the individual is receiving treatment or being assessed for treatment by Freedom from Torture or the Helen Bamber Foundation you should refer to the section titled [Those being assessed or treated by Freedom from Torture or the Helen Bamber Foundation](#).

Disability

You 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 existing treatment or assistance to cope with the disability. 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 individual is required to relocate. Further information should be sought from child welfare agencies and medical professionals if needed.

You 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 an individual'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, you should have regard to Article 8 of the European Convention on Human Rights:

‘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 individual’s 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 more accommodation available.

You may receive requests to provide accommodation in a particular location in order to enable the individual 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 individual’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.

Individuals 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 an individual 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

You may receive requests to provide accommodation in a particular location because the individual 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

You may receive requests to provide accommodation in a particular location because the individual 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 individual's legal advisers are nearby should normally be refused. The individual 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.

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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, you must not allocate accommodation to an area outside of London or relocate an individual 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 individual is awaiting assessment by either organisation and is awaiting placement in dispersal accommodation, 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 you 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 dispersal 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 an individual 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 individual 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 individual 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 individuals 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 in London.

For individuals 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.

You must also note any special accommodation requirements indicated by either organisation and carefully consider any recommendations put forward. Individuals receiving treatment by either organisation should not be required to share bedrooms with unrelated adults.

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

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

Any request to move an individual from accommodation that either organisation considers is unsafe or unsuitable should be handled on an urgent and case-by-case basis.

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

If an individual who is already being provided with Home Office accommodation provided under section 95 or section 4 of the Immigration and Asylum Act 1999 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 individual should remain in their existing accommodation, you 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 three miles from the individual's accommodation, reasonable travel expenses should normally be met.

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Suitability criteria

When assessing an individual's suitability to be accommodated at ex-MoD sites, vessels or Napier accommodation, you should consider all of the evidence available. This includes, but is not limited to:

- asylum screening interviews
- ASF1s, where available
- information on Home Office systems
- supporting correspondence from the applicant or their representative

Males under the age of 18 or over the age of 65 are not to be accommodated at these sites.

Additionally, if an individual meets any of the following criteria they are **not** suitable for Napier, ex-MoD sites and vessels, or room sharing:

- they may be a victim of modern slavery, including that they have been referred to the National Referral Mechanism and it has been found there are reasonable grounds or conclusive grounds to believe they are a victim of modern slavery or a decision is still pending
- they would be defined as vulnerable under the [Asylum Seekers \(Reception Conditions\) Regulations 2005 regulation 4\(3\)](#) and have had an individual evaluation of their situation that confirms they have special needs for support under section 95 of the Immigration and Asylum Act 1999 - the relevant points in these regulations are that a vulnerable individual is:
 - a disabled person
 - an elderly person
 - an individual who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence; and in each case, has had an individual evaluation of his situation that confirms he has special needs
- they have serious mobility problems or physical disability
- they have complex health needs within the meaning given by the Healthcare Needs and Pregnancy Dispersal Policy at paragraph 4.16 - the relevant complex health needs are:
 - active tuberculosis and infectious / active communicable diseases (when making dispersal arrangements for applicants with Tuberculosis also refer to chapter 7.2: Tuberculosis – Dispersal Guidelines)
 - serious mental health issues where there is a high risk of suicide, serious self-harm or risk to others (when making dispersal arrangements for applicants with mental health issues, also refer to chapter 7.3: Mental Health – Dispersal Guidelines)
 - chronic disease, for example, kidney disease where the patient requires regular dialysis
 - HIV (when making dispersal arrangements for applicants with HIV, also refer to chapter 7.1: HIV – Dispersal Guidelines)
- the following cases:
 - they have a history of disruptive behaviour

- cases being dealt with by the Foreign National Offenders – Returns Command
- they have been granted refugee status or other forms of leave to remain
- they are awaiting removal

Each case should be individually assessed and if you are unsure about whether an individual is suitable to be accommodated, you should discuss the matter with a senior caseworker or manager. Those with minor medical ailments can room share, or be accommodated at ex-MoD sites, vessels or Napier, but where there are serious medical issues, you should refer to the Healthcare Needs and Pregnancy Dispersal Policy.

You should ensure the relevant information and evidence obtained from the above documents is sent to the Accommodation Provider.

Should an individual be allocated accommodation at an ex-MoD site, vessel or Napier and new information on their suitability to remain come to light from the accommodation provider or statutory bodies, the case should be reviewed and alternative accommodation may be allocated. In addition, asylum seekers allocated to the accommodation have full access to the advisory services provided by Migrant Help and are able to raise issues about their suitability to be accommodated at the site. You may consider additional information including views from the service user alongside the [suitability criteria](#) where there is an exceptional request to room share or remain at an ex-MoD site, vessel or Napier. These requests should be considered on a case-by-case basis and balance the overarching principle that accommodation is offered on a 'no choice basis'.

The following paragraphs set out how the [suitability criteria](#) should be applied for accommodating asylum seekers at Napier, ex-MoD sites and vessels. It also includes room sharing at other accommodation sites.

Application of the suitability criteria at Napier accommodation

Currently, Napier is **only** to be used to accommodate single, adult males between the ages of 18 to 65. Women and children are not to be accommodated at this facility. 'Single' means on asylum support with no dependants. Asylum Seekers can only be accommodated at Napier when they have been screened

The maximum length of stay at the Napier accommodation is 90 days.

When allocating individuals to Napier, the Home Office may take into account the characteristics and status of the service user's asylum claim, for example whether or not the claim is admissible and / or the stage it has reached within the asylum process. For this reason, the selection of service users for these sites is undertaken by Home Office caseworkers who are **required** to apply the [suitability criteria](#) in considering who to place in this accommodation.

Application of the suitability criteria at ex-MoD accommodation sites and vessels

Currently, ex-MoD accommodation sites and vessels are only to be used to accommodate single, adult males between the ages of 18 to 65. Women and children are not to be accommodated at this facility. 'Single' means on asylum support with no dependants. Asylum Seekers can only be accommodated at ex-MoD accommodation sites and vessels when they have been screened.

The maximum length of stay at an ex-MoD site and vessel is expected to be 9 months, except when the Home Secretary is unable to find suitable onward dispersal accommodation despite reasonable efforts to do so.

You are required to apply the [suitability criteria](#) in considering who to place in this accommodation.

Room sharing at other accommodation sites

This paragraph provides guidance to caseworkers and Home Office Accommodation Providers on identifying single, adult asylum seekers with no child dependants who are suitable for room sharing in accommodation sites other than Napier, ex-MoD sites and vessels.

As the Home Office has a legal obligation to provide accommodation to asylum seekers who would otherwise be destitute, there may be some occasions where accommodation is provided before a screening interview has been conducted. This may be accommodation in a shared room.

Where there is information available to Home Office Accommodation Providers, they must consider the [suitability criteria](#) to determine whether room sharing is appropriate.

Consideration of the [suitability criteria](#) is in addition to Accommodation Providers' contractual requirements under the Asylum Accommodation and Support Services contract (AASC).

Where an individual is considered unsuitable for room sharing, they may be accommodated in a single room, either at that site or at alternative accommodation depending on availability

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Section 95 support for those in private accommodation

This page tells you about the provision of support to those in private accommodation who are granted subsistence and accommodation under section 95 of the [Immigration and Asylum Act 1999](#) (the 1999 Act).

Subsistence payments

Previously, individuals in private accommodation who applied for subsistence and accommodation under section 95 of the 1999 Act, and were granted such support, would only receive subsistence payments when they were moved to dispersal accommodation. Those who required subsistence payments pending transfer to asylum accommodation could request this by contacting Migrant Help. However, individuals in private accommodation who apply for and are granted subsistence and accommodation under section 95 of the 1999 Act shall now be given subsistence payments upon grant.

Accommodation

Individuals who are in private accommodation and who have been granted subsistence and accommodation under section 95 of the 1999 Act are not moved to asylum accommodation unless they make further contact with Migrant Help to request urgent accommodation. This is a result of the pressures on the asylum accommodation estate and the prioritisation of those in initial and contingency accommodation for dispersal.

Individuals will need to notify Migrant Help of their section 95 grant of support, any individual needs they have and when their need for accommodation begins. The accommodation provided will likely be initial accommodation provided under section 95 of the 1999 Act including hotels and hostel-style properties in a range of areas across the UK and will generally be allocated according to the overriding principle that it is offered on a 'no choice basis'.

Individual needs should be considered including healthcare or pregnancy needs, in line with the Healthcare needs and pregnancy dispersal guidance, the best interests of children and requests based on location, in line with the Allocation of accommodation guidance. Any asylum seekers on support with care needs should also be considered in line with the Asylum seekers with care needs guidance.

This practice is under review.

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