



Home Office

Discontinuing asylum support after failure to report with an ARC

Version 4.0

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About this guidance

This guidance tells you about discontinuation of support to section 95 supported persons, including those who have failed to attend a scheduled event at a reporting centre or police station.

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 inbox.

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 4.0
- published for Home Office staff on **12 October 2016**

Changes from last version of this guidance

- update to reflect change by another unit; that ISE 343 forms will no longer be used in non-compliance cases, and the necessary sense checking

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Asylum support instructions on Horizon

Discontinuation overview

Section 95(9A) of the 1999 Act permits the Secretary of State to make the provision of support subject to the condition that the asylum-seeker complies with a restriction imposed in connection with Temporary Admission (TA) under paragraph 21 of Schedule 2 to the Immigration Act 1971:

“Section 95(9A) - A condition imposed under subsection (9) may, in particular, relate to:

- (a) any matter relating to the use of the support provided,
- (b) compliance with a restriction imposed under paragraph 21 of Schedule 2 to the 1971 Act (temporary admission or release from detention) or paragraph 2 or 5 of Schedule 3 to that Act (restriction pending deportation).”

Subsections 95(10) and 95(11) requires that these conditions must be set out in writing, and that a copy given to the supported person.

Asylum support is provided on the basis a supported person and their dependants adhere to the terms and conditions outlined to the supported person in the asylum support agreement. A breach of the conditions of support may lead to an early suspension or discontinuation of support.

Specifically, under [regulation 20\(1\)\(i\) of the Asylum Support Regulations 2000](#) asylum support for a supported person or a dependant of his may be suspended or discontinued if “the supported person or a dependent of his for whom support is being provided has not complied with a reporting requirement.”

To Note: For instructions on how to discontinue support under section 4 in these circumstances please refer to the Asylum support Section 4 Policy and process instructions.

See also: Chapter 22a – Contact management in Enforcement guidance.

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Conditions of support

The support agreement

The asylum support agreement is issued to all applicants supported under section 95 of the 1999 Immigration and Asylum Act, and includes a provision that makes compliance with reporting conditions a condition of support. A copy is provided to the supported person in his primary language, or English if a suitable translation is not available. It will be included in any subsequent appeal bundle.

The reporting process outlined continues because; the supported person will have been served with form IS.96 (in illegal entry cases) or form IS.248 (in time, in country application cases). These forms explicitly outline the supported person's residence and reporting restrictions.

First Rep-ARC event

Caseworkers should send each asylum applicant that is required to report a letter instructing them to attend their first reporting event (FRE). The letter will also explain that failure to report:

- will make them liable to detention
- may mean that their support is discontinued – section 95 support is dependent upon compliance with this condition (as per section 95(9A) of the 1999 act)

Supported persons who fail to attend their first reporting event and have already had their Application Registration Card (ARC) activated, will not yet have had their ARC updated with a Next Reporting Date (NRD). In these cases subsistence support via their ARC card will not be automatically suspended because the NRD will have been initially set for a date in the future. Such cases will therefore have to be treated as non-automated, "[Paper-based](#)" Rep-ARC cases and the asylum support team will manually suspend ARC payments (with a one week tolerance date) until either compliance occurs or discontinuation proceedings are instigated.

The supported person will have one further opportunity to report before discontinuation proceedings begin.

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ARC and reporting

The automated process for suspension of cash support

Cash support is accessed by the applicant presenting their ARC at a designated Post Office. The Post Office counter staff place the ARC into a Point of Sale (POS) terminal which reads the ARC microchip, “unlocking” the applicant’s due amount within the payment system. This chip contains a ‘Next Reporting Date’ (NRD) field. Payment will only be authorised by the POS reader if the NRD indicates a future date. If not, payment will be denied. This provides the automated link between Rep-ARC and the cash payments process.

If an invalid NRD causes payment to be denied by a POS terminal, ASYS payment data will not be automatically suspended or end-dated. Collection is therefore dictated by the ARC and not the asylum support team.

The ARC NRD will be updated at each reporting event, usually for one week past the next scheduled reporting date. This provides a tolerance of one week, so should the reporting cycle be interrupted for reasons such as the need to attend an interview, ill health, or transport problems, then support will still be available on the ARC for another week.

Only the main supported person’s ARC will be updated.

An expired NRD will generate a transaction ‘code 4’ (invalid reporting date). The applicant will only be able to access their regular payments if they resume reporting, whereby their ARC receives a new, valid, NRD.

The paper-based process for suspension of cash support

Where the equipment necessary to update the ARC NRD is not available, (for example at police stations), a “paper-based” process that requires manual intervention by asylum support team is used.

For instance, the Home Office reporting centre staff identifies and collates non-reporting applicants (by the asylum support reference number and schedule of reporting) on a daily basis. This information is relayed to the asylum support teams. ARC-based payments are then suspended on ASYS by the asylum support team (with the same 1-week tolerance as at the [Automated Process](#)). The asylum support team should send a warning letter to the supported person notifying them of the date upon which cash support will be suspended.

If the supported person subsequently reports, support is re-allocated from that date that is via ARC payments, with emergency support to cover until it begins. Support is not backdated to the preceding (suspended) payments unless acceptance of a “reasonable excuse” is advised by the Home Office. See also: Reinstating support in the Asylum Support Process Manual.

Paper-based cases are tracked for 2 successive scheduled reporting events and, if the asylum support team is not advised that the applicant has reported, discontinuation proceedings may be initiated.

Reasonable excuses for not reporting

A supported person may not have been able to report due to circumstances beyond their control, perhaps because of illness, family emergency, family death, an asylum interview, transport strike, or adverse weather conditions. The validity of such reasons should be fully assessed. If staff in a reporting centre receives such 'reasonable' excuses they should forward them to the relevant asylum caseworker or support team.

If the reasonable excuse occurs upon the first sequential automated reporting event, the one week event tolerance will enable cash payment to be collected the following week.

If the reasonable excuse occurs upon a second or third event, access to payment will be denied by the ARC's NRD. At this point (with the agreement of the caseworker) the asylum support team may issue emergency support to maintain continuous payment from the date that ARC payments will stop. The reporting centre then informs the asylum support team or caseworker of:

- each further 'reasonable excuse', triggering emergency support as above
- a non-reasonable excuse, whereby the case is tracked towards potential discontinuation
- the date of compliance so that, as ARC payments will again be available, the asylum support team can check if duplicate emergency support has been collected and amend payments as necessary

If a paper-based reasonable excuse is received after support has been manually suspended by the asylum support team, ARC payments are re-allocated and emergency support sent (covering from the date of compliance) until that begins.

Emergency support to destitute supported persons should be provided at the standard 24 hour turnaround.

Attempts to contact the supported person

The officer responsible for actioning the failure to report discontinuation process must attempt to contact the supported person as soon as possible (within 2 working days) by telephoning them if a telephone number has been provided. Staff should regularly ask for or confirm contact numbers. Telephone number(s) should be recorded and be available to view on the "maintain address" screen on CID.

If a telephone number is not held or contact is not possible, officers should contact the supported person's representative to:

- confirm whether or not the representative still represents the supported person and or is still in contact with them

- if still the supported person's representative, confirm whether the representative is aware that the supported person failed to attend their reporting event
- establish whether there is a reasonable explanation for the supported person's failure to report
- determine whether there are any ongoing issues or concerns that may affect the supported person's ability to physically report in the future

If the representative no longer represents the supported person, the officer should ask if a new representative is known and, if so, they should repeat the above with the new representative.

If the supported person does not have a representative, officers should contact the accommodation provider (if applicable) to:

- confirm the supported person's address
- confirm whether or not the supported person is still present at the address
- ask for confirmation in writing, indicating last contact, if the supported person is not at the address and appears to have absconded

Officers may contact, if necessary, any family, friends or known associates of the supported person in order to ascertain the supported person's whereabouts.

Officers must then update CID notes with full details of actions taken; record any new information supplied and complete the failure to report minute check sheet as appropriate.

Discontinuation process

If a supported person cannot be located or has not provided a reasonable excuse for missing a reporting event, discontinuation action must not be initiated immediately. Instead, the following procedure is to be completed:

- 1) Update CID calendar event to show that the individual was a 'no show'.
- 2) On the breaches screen highlight the relevant restriction and add the breach type 'No Show (Reporting)' and date of breach.
- 3) Reporting centre staff to inform support team and case worker of actions taken so far and to be completed. The asylum support team should then send an asylum support warning letter to the supported person.
- 4) If appropriate, amend the supported person's reporting regime, if they are not subject to weekly reporting, by updating to a one-off reporting event for seven working days from the date that this action is being completed – issue a new IS96 for the event from CID document generator.
- 5) Send the new IS96 to the supported person's last known address by first class post, plus a copy to the representative by second class post, if applicable – the warning letter may be added to the appeal bundle should the supported person appeal against termination.

- 6) If the supported person fails to attend the next reporting event and can still not be located, immediately initiate absconder action and refer to the asylum support team or caseworker for discontinuation of support – in cases where the supported person has been located but has failed to provide a reasonable excuse for a second consecutive time, refer to the asylum support team case worker for discontinuation of support without initiating absconder action.
- 7) Update failure to report minute check sheet.
- 8) If the supported person fails to attend 2 consecutive reporting events, they are considered in breach of clause 20(1)(i) of the Asylum Support Regulations 2000 – at this point the asylum support team places the case “In Termination” and a Discontinuation letter must be sent.

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Discontinuation of support

If the supported person does not comply within the 14 calendar day period following the “In-Termination” date, support will be formally discontinued, in line with the ARC non-compliance procedure. Reasons should be given for any discontinuation of section 95 support.

The 14 calendar day discontinuation period includes the 9 calendar day allowance for a Tribunal Service – Asylum Support appeal against discontinuation.

If the supported person complies within the 14 calendar day discontinuation period, support will be reinstated by the asylum support team. This will apply to both the paper based and automated Rep ARC cases. The discontinuation proceeding will therefore be cancelled.

If the applicant contacts the asylum case worker during the discontinuation period, they must be advised to report to their designated reporting centre.

A CID check is performed by the asylum support team upon the initiation of discontinuation proceedings to confirm non-compliance.

Where the supported person voluntarily reports shortly after support has been discontinued for failure to report, a duly motivated decision based on the reasons for the disappearance must be taken as to the reinstatement of some or all of the support.

Where section 95 support is being withdrawn following a breach of conditions the ASYS support application record will be set to ‘In Termination’. Where asylum support has been fully discontinued the asylum support team or case worker should ensure that the ASYS support application record is set to ‘Terminated’. So, the actions to take are:

1. Single asylum seekers who fail to report for 2 consecutive events without a reasonable excuse.

Discontinue support in line with the processes set out in the breach of conditions instruction. There will be a right to appeal.

2. Families with dependants under 18 who miss 2 consecutive reporting events.

Will have access to their cash support denied but will not have their support discontinued; cash support will be inaccessible until the family complies with their reporting requirement. Although there is no formal discontinuation, cash support is still being withdrawn so there will be a right of appeal.

3. Vulnerable Supported People, as described by regulation 4 of the Asylum Seekers (Reception Conditions) Regulations 2005

Any decision to discontinue support in any of the circumstances outlined above must be taken individually, objectively and impartially, taking account of the degree of the breach or non-compliance. The decision should be based on the particular situation of the supported person concerned.

4. Discontinuation of support – family with children under regulation 20 of the Asylum Support Regulations 2000

When considering whether to discontinue the provision of support under section 95 of the 1999 Act to families with minors, the course of action taken must be consistent with the Home Offices obligations under section 55 of the Borders, Citizenship and Immigration Act 2009. For more information, see: Duty to offer support, Family Unity, Vulnerable Persons, Withdrawing Support.

Appeals

If an appeal against discontinuation is made (within the termination warning period), an appeal bundle is prepared by the case working team and should be submitted to the asylum support Judge.

Applying 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 or 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

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