



Home Office

Failure to travel to Bibby Stockholm vessel

This guidance sets out the Home Office approach when an individual fails to travel to the Bibby Stockholm vessel at Portland Port. It is tailored to those who have been granted section 95 support under the Immigration and Asylum Act 1999 (the 1999 Act).

Version 3.0

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About this guidance

This document provides the following guidance:

- steps for caseworkers to take to notify individuals of a decision taken in relation to their allocation to the Bibby Stockholm vessel at Portland Port

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 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.

Publication

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

- version **3.0**
- published for Home Office staff on **24 November 2023**

Changes from last version of this version

Update to how assessment of an individual's suitability to be accommodated on a vessel will be conducted; and update on the Home Office contact detail.

Related content

[Contents](#)

Allocation of asylum accommodation (internal)

Related external links

[Immigration and Asylum Act 1999](#)

[The Asylum Support Regulations 2000](#)

[The Asylum Support \(Amendment\) Regulations 2005](#)

[Assessing destitution \(GOV.UK\)](#)

[Allocation of asylum accommodation \(GOV.UK\)](#)

Legislation and background

The Secretary of State has a duty, to provide, or arrange for the provision of support, to asylum seekers (including any dependants) who would otherwise be destitute. Asylum seekers can apply for accommodation, subsistence, or both accommodation and subsistence support.

In providing, or arranging for the provision of accommodation, the Secretary of State must have regard to the desirability, in general, of providing accommodation in areas in which there is a ready supply, and which is cost effective.

The overriding principle when allocating accommodation is that it is offered on a 'no choice basis'. In considering requests to be allocated, or not be allocated, accommodation in a specific type of accommodation or specific location, caseworkers 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 as set out in the [Allocation of asylum accommodation policy guidance \(GOV.UK\)](#) / Allocation of asylum accommodation policy guidance (internal). Given our general approach to accommodation and the general standards maintained – which are calibrated for the needs of asylum seekers - it is anticipated that alternative accommodation will only be appropriate in very rare cases.

[Section 97\(3A\) of the Immigration and Asylum Act 1999](#) sets out the matters which can form the basis on which asylum seekers, failed asylum seekers and those whose claims are declared inadmissible, 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 may be linked to the progress of their claim, appeal, or their compliance with the rules. Any 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 asylum seekers, failed asylum seekers and those whose claims are declared inadmissible in order to increase efficiencies within the system and increase compliance.

Section 97(2)(a) of the 1999 Act and [Regulation 13 of the Asylum Support Regulations 2000](#) require us to have no regard whatsoever 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 location and nature of accommodation, the Secretary of State is obliged to consider the individual circumstances of each applicant, including their objective needs and any family ties (*R (Hetoja) v Secretary of State for the Home Department* [2002] EWHC 2146 (Admin)) – although these must be distinct from personal preferences.

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The Bibby Stockholm vessel

About the Bibby Stockholm vessel

The Bibby Stockholm vessel at Portland Port provides non-detained accommodation for single adult male asylum seekers aged 18 to 65 who would otherwise be destitute. Women and children are not to be accommodated at this facility. For the purposes of this guidance, “single” means having no dependants.

Further information on the vessel is set out in the [Factsheet: Asylum accommodation on a vessel in Portland Port](#).

The maximum expected length of stay at a vessel is likely to be up to 9 months, although may be longer where the Home Secretary is unable to find suitable and cost-effective onward dispersal accommodation despite reasonable efforts to do so.

About those to be accommodated on the Bibby Stockholm vessel

An assessment of an individual’s suitability to be accommodated on a vessel will be carried out in accordance with the criteria set out in the [Allocation of Accommodation guidance \(GOV.UK\)](#) / Allocation of Accommodation guidance (internal).

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Actions before a move to the vessel

Notification of conditions of support

Asylum support under Section 95 of the Immigration and Asylum Act 1999 is provided on the basis that a supported person and any dependants they have adhere to the terms and relevant conditions attached to it. The relevant [conditions of support \(GOV.UK\)](#) / conditions of support (internal) are provided in writing to supported persons when they are granted section 95 asylum support. A breach of the relevant conditions of support may lead to a suspension or discontinuation of support.

Regulation 20(1) of the Asylum Support Regulations 2000 sets out the reasons for which support may be suspended or discontinued. Regulation 20(1)(k) provides that support may be suspended or discontinued if the supported person or a dependant of his for whom support is being provided has failed without reasonable excuse to comply with a relevant condition. One of the relevant conditions of section 95 support is complying with any travel arrangements made for the supported person, including moving to another property.

Notification of relocation

Process for notifying individuals of relocation

Where an individual has been identified for a move to the vessel based on the criteria set out within the [About those to be accommodated on the Bibby Stockholm vessel](#) section, they will be informed of this through a formal Notice of Relocation letter, which encloses the 'Notice to Quit'. This letter will be sent to the supported person at least 5 working days in advance of their proposed move to the vessel. This will inform an individual that they are expected to move to the vessel and provides information about the services provided on the vessel.

The letter will inform the individual that they have 5 working days to make representations to the Home Office if they believe that they are not suitable for being accommodated on the vessel and wish to challenge the decision. The letter also informs individuals of the possible consequences of a failure to travel.

Further information about the individual's move to the vessel, including transport arrangements will be provided by Service Providers separately.

Representations on relocation to the Bibby Stockholm vessel at Portland Port

Representations must be made within 5 working days of the date that the Notice To Quit is issued. Representations must be made to the Home Office using the contact details provided within the notification of relocation letter.

Representations will be considered within 5 working days unless there are exceptional circumstances as to why they cannot be considered within that timeframe.

Representations will be considered on a case-by-case basis and in accordance with the [suitability criteria in the Allocation of Accommodation guidance \(GOV.UK\)](#) / suitability criteria in the Allocation of Accommodation guidance (internal). As set out in that guidance, if an individual does not meet any of the criteria listed under the “Suitability Criteria” section, then they shall be deemed as suitable to be moved to the vessel.

Decision on the representations

The representations will be considered within no more than 5 working days. Where required, caseworkers should refer information to the Home Office Asylum Support Medical Adviser and/ or the Home Office Psychiatrist for their expert opinion.

Caseworkers should make one of the following decisions on representations:

- there are no valid grounds, and the individual is suitable to be accommodated on the vessel
- having considered all of the information now available in the context of the Allocation of Accommodation guidance, that the individual is not suitable to be accommodated on the vessel
- after receiving the opinion of the Home Office Asylum Support Medical Adviser and/or the Home Office Psychiatrist make a referral for further expert evidence
- further information is required from the individual before a decision on suitability can be reached

The outcome of the representations which has been decided will be communicated to the supported person in writing, in advance of their arranged move to the vessel. No move will take place until all information (including any additional information requested by way of referral or from the individual) has been considered.

Notice to Quit

Regulation 22 of the Asylum Support Regulations 2000 states that a supported persons licence is to be treated as ending when the supported person is given not less than 7 days’ notice. Less than 7 days’ notice may be given if the circumstances of the case are such that that notice period is justified. Once the notice period set out in the Notice to Quit has expired, the supported person may be evicted from the property.

Individuals being moved to the vessel will be served with a Notice to Quit along with their Notification of Relocation letter.

Typical scenarios

This section covers various scenarios that may arise when considering representations that are received. These scenarios are not exhaustive, and caseworkers should consider on a case-by-case basis.

Late representations

If an individual makes late representations, beyond the 5 working day allocated timeframe given, about their suitability to be moved to the Bibby Stockholm vessel, these should generally not be accepted unless there is verifiable expert or professional evidence of exceptional circumstances that prevented the individual from making representations within the 5 working day period.

These exceptional circumstances, which will be considered on a case-by-case basis, include but are not limited to:

- serious medical emergency for the individual themselves which rendered them incapable of making representations
- bereavement of a close family member currently with the individual in the UK and in the 2 weeks prior to receiving the Notice to Quit or during the representations period

Extension requests

If an individual requests an extension to the 5 working day allocated timeframe to make representations, this should not generally be accepted unless there is verifiable expert or professional evidence of exceptional circumstances that prevented the individual from making representations within the 5 working day period.

These exceptional circumstances, which will be considered on a case-by-case basis, include but are not limited to:

- serious medical emergency for the individual themselves which rendered them incapable of making representations
- bereavement of a close family member currently with the individual in the UK and in the 2 weeks prior to receiving the Notice to Quit or during the representations period

Multiple representations

Individuals are required, where possible, to make one representation only. It is their responsibility to ensure that their documents and evidence are complete. If an individual makes multiple representations, these should only be accepted in exceptional circumstances, and a decision should be made on the first representations submitted.

Further representations will only be taken into account where they fundamentally alter an issue raised in the original representation, and where exceptional circumstances prevented the points from being raised earlier (for example, because a medical diagnosis of a relevant medical condition was received only after the first set of representations has been made). There are exceptional circumstances where multiple representations may be considered, on a case-by-case basis. These exceptional circumstances include, but are not limited to:

- medical emergency for the individual themselves which has the effect of preventing the individual from submitting all representations in the first instance
- bereavement of a close family member currently with the individual in the UK and in the 2 weeks prior to receiving the Notice to Quit or during the representations period

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Actions following a failure to travel

Evictions

If a supported person fails to comply with travel arrangements after the Notice to Quit has expired, the Service Provider will inform the Home Office. The Home Office will assess these records as soon as possible, considering any reason why the individual did not travel, and will instruct the Service Provider to evict the individual from their current accommodation.

The Service Provider will ensure that the hotel accommodation is no longer available for the individual and will be asked by the Home Office to take steps to carry out this eviction within 24 hours and remove their access to that accommodation. If the supported person remains in the accommodation after this eviction has taken place, they will be deemed to be a trespasser.

The bedspace at the vessel will remain open for 5 working days after the eviction has taken place. If the supported person wishes to take up the offer of accommodation at the vessel within this time period, they should contact the Home Office via email NAAUBibbyStockholm@homeoffice.gov.uk.

This inbox will be monitored during the following times:

- Monday – Friday for 24 hours a day
- Saturday and Sunday at 00:00 to 08:00, 09:00 to 16:00, and 20:00 to 23:59

There may be instances where exceptional circumstances occur after the eviction has taken place. The supported person should contact the Home Office via email as set out above. These exceptional circumstances, which will be considered on a case-by-case basis, include but are not limited to:

- serious medical emergency for the individual themselves
- bereavement of a close family member currently with the individual in the UK

For further advice and guidance on the asylum and support process, supported persons should contact Migrant Help:

Telephone: 0808 8010 503
Post: Asylum Support Casework Team,
PO Box 471,
Dover,
CT16 9FN.

Supported persons can also contact Migrant Help via their webchat or via an online enquiry form. <https://www.migranthelpuk.org/contact> provides further information

Discontinuation of support

If a supported person fails to take up the offer of accommodation on the vessel after the 5 working days, support will be discontinued, in line with a breach of conditions of support. The individual will no longer be able to access Home Office accommodation and will not be able to access subsistence (cash) support.

The Home Office will take reasonable steps to notify them that their support has been discontinued. This notification will explain that their actions have resulted in them being unable to access support.

Where an individual fails to travel to their accommodation, caseworkers must take steps to discontinue the support, where it is reasonable to do so, in line with the [Conditions of Support Guidance \(GOV.UK\)](#) / Conditions of Support Guidance (internal). The grounds for discontinuing support are set out in [Regulation 19\(2\)](#) and Regulation 20(1)(k) of the Asylum Support Regulations 2000 as amended by the Asylum Support (Amendment) Regulations 2005.

Where, following a discontinuation, a further application for support is accepted by the Home Office and there are available bedspaces on the vessel, the individual would be offered accommodation on the vessel. Where there are no available bedspaces on the vessel, the individual will be placed in alternative accommodation and will be moved to the vessel at a later date when a bedspace becomes available.

Right of appeal

A person supported under section 95 has the right of appeal under Section 103 of the Immigration and Asylum Act 1999 against a decision to discontinue their asylum support because they have breached a relevant condition attached to the provision of it. The supported person must be notified of their right to appeal at the time any such decision is made. The supported person has 3 working days, beginning with the date on which they received written notice of the decision being challenged, in which to submit an appeal to the Asylum Support Tribunal.

During this process, a supported person will be accommodated in alternative accommodation and will continue to have access to support until a decision has been made.

Further information on the appeals processes and help a supported person can get, refer to [Appeal an asylum support decision](#).

Where an individual submits a further application for support following a suspension or discontinuation of support, or following a dismissed appeal, steps should be taken in line with the [Conditions of Support Guidance \(GOV.UK\)](#) / Conditions of Support Guidance (internal).

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