



Home Office

Asylum Support Section 4: Policy and process

Version 4.0

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About this guidance

This instruction sets out the policy and procedures to be followed when considering applications for support provided under sections 4(2) and 4(3) of the [Immigration and Asylum Act 1999](#) (the 1999 Act).

Policy intention

The underlying policy objectives when considering applications for section 4 asylum support are to:

- ensure all section 4 asylum support applications are assessed in a timely manner and in accordance with the relevant legislation, regulations and guidance
- ensure all decisions are implemented accurately and without unnecessary delay, with the relevant notices issued to the applicant
- inform those granted section 4 asylum support of the conditions associated with their support and the consequences of failing to comply with those conditions
- inform those refused section 4 asylum support of the reasons for that decision, and provide details of how they can appeal
- ensure an auditable record exists on case working systems of the actions taken during the asylum support decision-making process

Application of this instruction in respect of children and those with children

Section 55 of the [Borders, Citizenship and Immigration Act 2009](#) (the 2009 Act) requires the Home Office to carry out its existing functions in a way that considers 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 '[Every child matters: change for children](#)' sets out the key principles to consider in all relevant activities.

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

Safeguarding

Protecting vulnerable adults and children is a key cross-cutting departmental priority and safeguarding is everyone's responsibility. If you believe that anyone may be in

danger at any stage of the asylum process, including when assessing their application for asylum support, you need to take immediate action to ensure their safety. In all circumstances a referral should be made to the Safeguarding Hub.

In an emergency, the case must be referred to emergency services without delay. The first person to become aware of an emergency must contact 999 and request the appropriate emergency service. Afterwards, you must then make a referral to the Safeguarding Hub who will progress any safeguarding actions and liaise with relevant statutory agencies if appropriate.

You do not have to stop making the asylum support application decision whilst a safeguarding issue is investigated.

Safeguarding children

You must be vigilant that a child may be at risk of harm and where you are concerned about their welfare or protection issues, be prepared to refer cases immediately. In an emergency, you must refer the case to emergency services immediately, and after you must make a referral to the Safeguarding Hub.

When referring cases involving children, there is no requirement to obtain the consent of any adults involved as the safeguarding of children is our primary responsibility as detailed in section 55 of the 2009 Act.

The Safeguarding Advice and Children's Champion (SACC) can also offer specialist safeguarding and welfare advice on issues relating to children, including family court proceedings and complex child protection cases. For more information see SACC.

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 Secretariat.

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 Review, Atlas and Forms team.

Publication

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

- version **4.0**
- published for Home Office staff on **17 September 2025**

Changes from last version of this guidance

- updated in line with current drafting requirements

- information expanded for applicants whose asylum claims are declared inadmissible and access to emergency accommodation
- updates made to clarify and expand instructions for caseworkers and details to operational practices
- links and references to legislation, guidance and caselaw updated
- terminology updated where appropriate

Related content

[Contents](#)

Asylum support instructions pages.

Related external links

[Asylum support instruction pages – GOV.UK](#)

Section 4 support overview

This section provides an overview of section 4 support including, its legislative provisions, application to failed asylum seekers and those whose asylum claims are declared inadmissible, and other considerations including accommodation and conditions of support.

Legislative provisions

Support under section 4 of the 1999 Act is available to failed asylum-seekers and persons whose asylum claims are declared inadmissible under sections 80A or 80B of the [Nationality, Immigration and Asylum Act 2002](#) (the 2002 Act) if they appear to be [destitute](#) and meet one or more of the conditions set out in section 3(2) of the [Immigration and Asylum \(Provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#) (the 2005 Regulations).

Failed asylum seekers

A person is eligible for support under section 4(2) of the 1999 Act if they were, but are no longer, an asylum seeker (section 4(2)(a)) and their claim for asylum was rejected or declared inadmissible under sections 80A or 80B of the 2002 Act. By virtue of section 4(4), 'asylum seeker' and 'claim for asylum' have the same meanings as in section 94 of the 1999 Act. An asylum seeker is 'a person who is not under 18 and has made a claim for asylum which has been recorded by the Secretary of State but which has not been determined'. A claim for asylum is 'a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention, or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom'.

Refugee status has been renounced

Where an individual who was previously granted protection status including refugee status, chooses to renounce their status, they are not considered to be a failed asylum seeker for the purposes of asylum support. For more information about the policy, process and procedures to follow concerning renunciation of protection status see the renunciation section of the revocation of protection status: caseworker guidance.

Withdrawn claims

Where an asylum claim is withdrawn, either explicitly or implicitly, as no substantive decision has been made on the claim, the claimant is not considered to be a failed asylum seeker and as a result will not be eligible for section 4(2) support. For more information on withdrawing asylum claims see: Withdrawing asylum applications: caseworker guidance.

Inadmissible asylum seekers

Section 80A of the 2002 Act requires an asylum claim made by an EU national to be declared inadmissible unless there are exceptional circumstances such that the claim should be considered.

Section 80B of the 2002 Act allows an asylum claim made by a person who has a connection to a safe third state to be declared inadmissible. It is not a requirement to declare an asylum claim inadmissible where the criteria at section 80B are met. The decision is discretionary, and there may be circumstances where the claim is admitted for substantive consideration.

Individuals whose asylum claims are declared inadmissible under paragraphs 345A-D of the Immigration Rules remain eligible for section 98 or section 95 support as they remain asylum seekers within the meaning of Section 94(1) of the Act 1999.

For further information see the relevant policy guidance, EEA and EU asylum claims: caseworker guidance, inadmissibility – third country cases: caseworker guidance. For information on the case work actions following a declaration of inadmissibility undertaken by the Third Country Unit (TCU) including notifying asylum support see: ceasing asylum support: caseworker guidance.

Accommodation arrangements and nature of section 4 support

Support provided under section 4 of the 1999 Act is provided by way of accommodation and subsistence. There is no power within section 4 to provide subsistence-only support. Those who receive section 4 asylum support are provided with a payment card (the ASPEN card) that can be used to buy food and other essential items but cannot be used to withdraw cash.

Location of the accommodation

Those granted support under section 4 are provided with accommodation on a no-choice basis, in line with the Allocation of asylum accommodation policy.

Consideration will be given to those with specific needs when allocating appropriate accommodation. For further information see:

- Healthcare and pregnancy: caseworker guidance
- Asylum seekers with care needs: caseworker guidance

The prescribed period and access to emergency accommodation

Applicants are entitled to receive asylum support for a prescribed period (also known as the 'grace period') after they have been notified of the decision on their asylum application or after the day on which their appeal is disposed of. The prescribed

periods are as outlined in regulation 2 of the Asylum Support Regulations 2000 (the 2000 Regulations), 28 days when the Secretary of State notifies the person of the decision to either accept their asylum claim, reject their asylum claim but grant limited leave to enter or remain in the UK, or notifies the person their appeal has been allowed. In any other case the prescribed period is 21 days. This means for those who are in receipt of section 95 support this support will continue after a decision is made on their asylum claim for the relevant prescribed period (the situation is different for those with dependants see below: [the prescribed period and dependants](#)). For more information on the prescribed periods see: ceasing asylum support: caseworker guidance.

Temporary support provided under section 98 of the 1999 Act remains available to failed asylum seekers and those whose asylum claims are declared inadmissible for a period of 21 days from the day the Secretary of State notifies the person their asylum claim has been refused or they become appeal rights exhausted (ARE), or they are notified their asylum claim has been declared inadmissible. This is because individuals remain asylum seekers (for the purposes of asylum support) for the 21-day prescribed period.

For individuals who are street homeless, or at risk of street homelessness, who apply for section 4 support after the 21-day prescribed period, reasonable efforts must be made to decide their section 4 application promptly provided all required supporting evidence is available to do so.

Where a street homeless person's appeal against a decision to refuse or discontinue support under section 4 of the 1999 Act is allowed, emergency accommodation may be arranged for them.

For information on access to section 98 support for foreign national offenders (FNO's) see: Accommodation under Schedule 10 guidance. For information on applications for asylum support from EU nationals see: EU nationals or refugee status abroad: caseworker guidance.

Conditions of support

[Regulation 6](#) of the 2005 Regulations provides that the continued provision of support is subject to compliance with conditions determined by the Secretary of State and any conditions must be set out in a notice to the supported person in writing. These conditions may relate to:

- complying with specified standards of behaviour
- complying with a reporting requirement
- complying with a requirement to reside at an authorised address or ensure they are not absent from the authorised address without permission of the Secretary of State for no more than 7 consecutive days and nights or for no more than a total of 14 days and nights in any 6-month period
- complying with specified steps to facilitate their departure from the UK

Compliance with specified standards of behaviour includes individuals complying with the rules of their accommodation. Compliance with a requirement to reside at an

authorised address includes compliance with a move to a new authorised address. Failure to comply with the conditions of support may result in support being [discontinued](#). For more information see the conditions of support: caseworker guidance.

Section 55

Under [section 55\(1\)](#) of the 2002 Act the Secretary of State may not provide or arrange for the provision of support to a person under section 4 of the 1999 Act if the Secretary of State is not satisfied that that person applied for asylum as soon as reasonably practicable after arrival in the UK unless, support is necessary to avoid a breach of the person's Convention rights.

If a person makes an application for section 4 support and a decision has not previously been made under section 55 of the 2002 Act, the caseworker must first decide whether section 55 prevents the provision of this support.

Related content

[Contents](#)

Asylum support instructions pages.

Related external links

[Asylum support instruction pages – GOV.UK](#)

Eligibility test and applicant's duties

This section explains the eligibility criteria for section 4 support. Support under section 4(2) of the 1999 Act is available to failed asylum-seekers and persons whose asylum claims are declared inadmissible under sections 80A or 80B of the 2002 Act if they appear to be [destitute](#) and meet one or more of the conditions set out in regulation 3(2) of the [2005 Regulations](#).

To apply for section 4 support, a person is expected to complete the [application form \(ASF1\)](#) with the assistance of Migrant Help and their application must include evidence that demonstrates their eligibility to receive support, see [destitution test](#) and [2005 Regulations](#).

Dependants

Section 4(3) of the 1999 Act enables the dependants of failed asylum-seekers and persons whose asylum claims are declared inadmissible under sections 80A or 80B of the 2002 Act to be supported.

The definition of 'dependant' for the purposes of section 4 is the same as that contained in section 94(1) of the 1999 Act and regulation 4 of the 2000 Regulations. In summary, 'dependant', in relation to a person who is supported under section 4(2) 'A' means a person in the UK:

- is A's spouse or civil partner
- is a child of A's or of A's spouse or civil partner, who is dependant on A and is, or was at the relevant time, under 18
- is a member of A's or A's spouse's or civil partner's close family and is, or was at the relevant time, under 18
- had been living as part of A's household for at least 6 of the 12 months before the relevant time, or since birth, and is, or was at the relevant time, under 18
- is in need of care and attention from A or a member of A's household by reason of a disability and would fall within the criteria in the aforementioned points but for the fact they are not, and were not at the relevant time, under 18
- had been living with A as a member of a cohabiting couple for at least 2 of the 3 years before the relevant time

The 'relevant time' means (a) the time when the application for asylum support was made or (b) where (a) is inapplicable, the time when the dependent joined the supported asylum seeker in the UK.

There is no requirement for the dependant to have been treated as a dependant on A's asylum claim for asylum support purposes, but careful consideration must be given to the relationship evidence submitted as part of the support application, see [evidence to consider before adding dependants](#).

The prescribed period and dependants

A failed asylum-seeker or person whose asylum claim is declared inadmissible who has a child dependant under 18 is only eligible to receive section 4 support if their children were born, or otherwise joined their household, after the expiry of the prescribed period (also known as the 'grace period'). Where the person has a child dependant who is under 18 in their household before the expiry of the prescribed period, they continue to be eligible to receive support provided under section 95 if they remain destitute, comply with the conditions of their support and they and their dependant remain in the UK until that child turns 18.

Evidence to consider before adding dependants

Dependants must not be added to a support application unless sufficient evidence has been provided of their relationship to the person applying for, or already in receipt of, section 4 support.

In the case of spouses or partners, marriage certificates or civil partnership certificates are acceptable evidence and in the case of children a birth certificate is acceptable. These documents must always be seen if the marriage, civil partnership, or birth of the child took place in the UK.

Destitution test

A person will be eligible for support provided under section 4 if they appear to the Secretary of State to be destitute and meet one or more of the conditions set out in regulation 3 of the [2005 Regulations](#). For section 4 purposes, the meaning of destitution is as described in section 95(3) of the 1999 Act, a person is destitute if they:

- do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met)
- have adequate accommodation or the means of obtaining it but cannot meet their other essential living needs

In deciding whether a person is destitute, consider:

- the time that has elapsed since the period when any support provided under section 95 of the 1999 Act has ended
- the evidence available to support the application
- whether the person has, or has had, access to accommodation or financial support and if so the evidence about the continued availability of this support

If the person was not supported under section 95 of the 1999 Act when their asylum claim was under consideration, or they were supported under that provision but it was discontinued some time ago, it is usually reasonable to consider that they have been able to access alternative sources of support before their application for section 4 support was made and that they can continue to do so unless a good explanation

is provided as to why such support is no longer available. For more information about how to assess destitution see: [assessing destitution: caseworker guidance](#).

The decision to accept or decline an offer of support rests with the claimant and further, the Home Office can withdraw or discontinue support as required. Therefore, if an applicant meets 95(3)(b), section 4 should be granted. However, if the claimant refuses to move into the offered accommodation, then support can be withdrawn or discontinued.

2005 Regulations

Regulation 3(1) of the 2005 Regulations allows support to be provided where the person appears to be destitute and satisfies one or more of the following conditions:

- the person is [taking all reasonable steps to leave](#) the UK or place themselves in a position in which they can leave the UK
- the person is [unable to leave the UK by reason of a physical impediment](#) to travel or for some other medical reason
- the person is unable to leave the UK because in the opinion of the Secretary of State there is currently [no viable route of return](#) available
- the person has made an application in Scotland for [judicial review](#) of a decision in relation to their asylum claim or, in England, Wales or Northern Ireland, has applied for a judicial review and been granted permission or leave to proceed
- the provision of accommodation is necessary for [avoiding a breach of a person's Convention rights](#), within the meaning of the Human Rights Act 1998

Taking all reasonable steps to leave the UK

Regulation 3(2)(a) of the 2005 Regulations allows support to be provided if the person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK, which may include complying with attempts to obtain a travel document to facilitate their departure.

Each application for support based on this provision must be considered on its merits. What will be accepted as evidence the person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK will depend on whether or not they can be expected to take [independent steps](#) to return to their country of origin or a safe third country, or are instead [reliant on the Secretary of State to enforce removal](#).

Where appropriate, the caseworker may specify the steps that a person must take to facilitate their departure from the UK and provide support only on condition that the person takes these steps. These conditions may be applied using the powers in [regulation 6\(2\)\(d\)](#) of the 2005 Regulations. As an example, it may be appropriate to specify that the person applies for a passport from their national embassy or attends a Home Office re-documentation interview and provides accurate information to support an application for an Emergency Travel Document (ETD). The specified steps must be set out in a notice to that person in writing at the time support is granted.

If the person does not comply with the specified steps their support may be discontinued, but not before they are given the opportunity to provide an explanation. If the explanation is reasonable support should continue to be provided. A reasonable explanation might include:

- serious illness, supported by medical evidence, that prevented the person from taking the required action
- the person now qualifies for support for a different reason and it is no longer reasonable in the circumstances to expect them to take the specified step as a condition for continuing to receive support

Those who can be expected to take independent steps to return

For those who can be expected to take independent steps to return to their country of origin or a safe third country, consider whether the person:

- has applied to the [Voluntary Returns Service](#) (VRS) and is taking all reasonable steps to obtain any necessary travel document needed to facilitate their departure from the UK
- has applied to their national embassy for any necessary travel document needed to facilitate their departure from the UK
- has fully complied with Home Office processes to obtain a travel document on their behalf, including by supplying accurate information to support a UK letter or an application for an ETD
- is subject to prosecution under section 35 of the [Asylum and Immigration \(Treatment of Applicants, etc.\) Act 2004](#)

As a general rule, it is reasonable to expect a person who claims to be taking reasonable steps to leave the UK, including through the VRS to be able to do so within 3 months.

For this cohort, eligibility for support under regulation 3(2)(a) must be reviewed regularly and will usually be discontinued after 3 months unless the person provides satisfactory evidence to show why they have not left the UK.

Those who are reliant on the Secretary of State to enforce removal

For those who are reliant on the Secretary of State to enforce removal consider whether the person:

- is complying with the removal process, including efforts to obtain travel documents
- is subject to prosecution under section 35 of the [Asylum and Immigration \(Treatment of Applicants, etc.\) Act 2004](#)
- is complying with reporting requirements (if any)
- residing at the address of their asylum accommodation (if relevant)

In the event that the person is not required to report, their first reporting event has not yet occurred, or they are not in receipt of asylum accommodation, it will usually be appropriate to grant support on the basis there are at that time no reasonable steps the person can take to leave the UK or place themselves in a position in which they are able to leave the UK.

When reviewing continued eligibility for support under regulation 3(2)(a) for this cohort, you must consider continued compliance with reporting requirements and residence at the address of their asylum accommodation. This will be important for those whose first reporting event has not yet occurred or who were not in receipt of asylum accommodation at the time their application for support was assessed.

Unable to leave the UK due to a physical impediment to travel or other medical reason

Regulation 3(2)(b) of the 2005 Regulations allows support to be provided if the person is unable to leave the UK by reason of a physical impediment to travel or for some other medical reason.

A person must only be supported under this provision if they are physically unable to travel (usually by air) and not because they are receiving medical treatment in the UK that does not prevent travel, or because there is a possibility that the treatment might no longer be available after departure from the UK.

Applications for support under this provision must be supported by a [medical declaration](#), which must be completed by a medical professional such as a General Practitioner (GP) or NHS Consultant. The declaration should clearly state the exact nature of the physical impediment or medical reason that prevents the person from travelling from the UK and when it is expected they will be able to travel or when their ability to travel can be reviewed. The Home Office will provide medical practitioners with a fee for completing a medical declaration form.

Pregnancy

If a person applies for support on the basis that they are in the late stages of pregnancy and are therefore unable to travel, they must provide a MATB1 form or other recent medical documentation confirming the pregnancy and stating the estimated date of delivery (EDD), and / or the expected week of confinement (EWC). Unless there are complications with the pregnancy, supported by medical evidence that the person's health and or that of the unborn child may be at risk, support must not normally be granted until around 6 weeks before the EDD or EWC.

Where the person is granted support a review date 6 weeks after the EDD or EWC, or birth of the child if known, must be set.

Person with a newborn child

If a person has a dependent child that is less than 6 weeks old, it should normally be accepted that they and the child are unable to travel from the UK. The person will

need to provide a copy of the child's birth certificate or a letter from a medical professional confirming the date of the birth of the child.

The person's eligibility to support must be reviewed 6 weeks after the date of birth of the child.

Unable to leave the UK due to no viable route of return

Regulation 3(2)(c) of the 2005 Regulations allows support to be provided if the person is unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available.

A person can be supported under this provision if they evidence the Secretary of State has made a recent statement declaring that there is no viable route of return to the country they are expected to return to. They may provide the date of the Secretary of State's statement that they seek to rely on, which you must check to ensure it is genuine.

Application for judicial review

Regulation 3(2)(d) of the 2005 Regulations allows support to be provided if the person has applied for judicial review of a decision in relation to their asylum claim. The person must have either applied to a Scottish court for judicial review or, been granted permission to proceed with a judicial review in England and Wales or been granted leave to proceed with a judicial review in Northern Ireland.

They may provide the Administrative Court's reference number (if the judicial review is in England, Wales or Northern Ireland) or where the judicial review is in Scotland, evidence of their petition to the Court of Session.

To establish a person's eligibility for support under this provision you must check Home Office case working systems and, where necessary, with the Government Legal Department that an application for judicial review has been made or been granted permission / leave to proceed.

A judicial review in relation to the following will be accepted as a judicial review in relation to a person's asylum claim:

- Asylum applications
- further submissions
- an Article 3 based claim
- removal directions
- inadmissibility declaration under section 80A of the 2002 Act
- inadmissibility declaration under section 80B of the 2002 Act
- certification of a claim it would be contrary to the UK's obligations under Article 3 of the Human Rights Convention for the claimant to be removed from or required to leave the UK

Support provided to avoid breaching ECHR rights

Regulation 3(2)(e) of the 2005 Regulations allows a person to be provided with support where the provision of accommodation is necessary to avoid a breach of their Convention rights, within the meaning of the Human Rights Act 1998. Article 3 of the European Convention on Human Rights (ECHR) is the prohibition of torture or inhuman or degrading treatment or punishment.

The first step in determining whether accommodation may need to be provided for human rights reasons is to note that in ordinary circumstances a decision that would result in a person sleeping rough or being without food, shelter or funds, could well be considered inhuman or degrading treatment contrary to Article 3 of the ECHR (see: [R \(Limbuela\) v Secretary of State \[2005\] UKHL 66](#)).

The decision maker will therefore need to assess whether the consequences of a decision to deny a person accommodation would result in a person suffering such treatment. To make that assessment it may be necessary to consider if the person can obtain accommodation and support from charitable or community sources or through their families or friends. Where the decision maker concludes that there is no support from any of these sources then there will be a positive obligation on the Secretary of State to accommodate the individual to avoid a breach of Article 3 of the ECHR.

However, if the person can take independent steps to return to their country of origin or a safe third country, or is having their removal enforced by the Home Office, and therefore can avoid the consequences of being left without shelter or funds, the situation outlined above is changed. This is because:

- there is no duty under the European Convention on Human Rights to support foreign nationals who are freely able to return home (see: [R\(Kimani\) v Lambeth LBC \[2003\] EWCA Civ 1150](#)) if there are no legal or practical obstacles to return home, the denial of support by a local authority does not constitute a breach of Human Rights (see: [R \(W\) v Croydon LBC \[2007\] EWCA Civ 266](#))

A practical obstacle to departure would usually only exist if the person is unable to leave the UK because they lack a necessary travel document but are taking reasonable steps to obtain one, arrangements are being made by the Secretary of State to enforce their removal, or they are unfit to travel for a medical reason. However, it will be unnecessary to consider whether a person in these circumstances needs to be supported under regulation 3(2)(e) as they can be considered under regulations 3(2)(a) or (b) of the 2005 Regulations.

Whether there are legal obstacles for the individual to return or to be removed, must be considered on a case-by-case basis on the information available. Examples of where it should usually be accepted that they exist are where:

- they have submitted a late appeal against the rejection of their asylum or Article 3 ECHR claim and the First-tier Tribunal is considering whether to allow the appeal to proceed out of time

- they have submitted further submissions against the refusal of their asylum or Article 3 ECHR claim and a decision on whether to accept them as a fresh claim remains outstanding
- they have an outstanding appeal against a refusal of leave to remain on human rights grounds, including Article 8 ECHR, and leaving the UK would result in the appeal being treated as abandoned, ([see R \(Clue\) v Birmingham CC \[2010\] EWCA Civ 460](#))
- they have been referred to the National Referral Mechanism (NRM) and are awaiting a Reasonable Grounds decision as a potential victim of modern slavery
- have received a positive Reasonable Grounds decision and are in the recovery and reflection period and are awaiting their Conclusive Grounds decision (where the Conclusive Grounds decision is negative, or where they receive a Public Order Disqualification, they will exit the NRM process)
- they have a positive Conclusive Grounds decision and are awaiting the outcome of an application for Temporary Permission to Stay as a Victim of Human Trafficking or Slavery (where a Conclusive Grounds decision is positive and they are receiving support from the Modern Slavery Victim Care Contract (MSVCC), they are entitled to a minimum of 45 days of move-on MSVCC support)

If the decision maker is unsure as to whether it would be appropriate to provide, or continue to provide, support in any given case for human rights reasons, a senior caseworker must be consulted as part of the decision-making process.

If there are no legal or practical obstacles preventing the person leaving the UK, it will usually be difficult for them to establish that the Secretary of State is required to provide support in order to avoid breaching their ECHR rights.

Supporting evidence for asylum support application

It is for the person seeking section 4 support to provide evidence to support their application. Where insufficient information is provided to enable a decision to be made on an application, further information must be requested. Requests for further information must be made in writing, require a response within 5 working days and be copied to the person's immigration advisor if they have one.

If the information requested is not provided within 5 working days, the application must be refused on the basis that the person has not established that they are eligible to receive support. The refusal letter must record that information was requested but not provided.

Related content

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Asylum support instructions pages.

Related external links

[Asylum support instruction pages – GOV.UK](#)

[Modern Slavery Victim Care Contract - GOV.UK](#)

Further submissions

This section explains the implications further submissions may have on section 4 asylum support. The existence of further submissions, combined with the fact that the person does not have access to accommodation or is unable to meet their essential living needs may mean that support will need to be provided to prevent a breach of their ECHR rights.

Wherever possible, the further submissions should be considered at the same time as consideration is given to the support application. If it is found that the further submissions are clearly abusive, manifestly unfounded or repetitious the application must be refused, which in practice will be at the same time as the further submissions are rejected.

However, a decision on the application must not be unnecessarily delayed waiting for the further submissions decision. Reasonable efforts must be made to decide the support application promptly, provided all required evidence is available to do so. Careful consideration must be given to any additional factors that call for a decision to be made quickly, for example where the following circumstances apply (the list is not exhaustive):

- people who are street homeless
- families with minors
- disabled people, for the purpose of this guidance this is defined by the Equality Act 2010 which sets out that a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities
- elderly people
- pregnant women
- persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence
- potential victims of modern slavery, including human trafficking

Implication of the further submissions decision on section 4 eligibility

If consideration of the further submissions results in:

- a grant of leave to remain, support must be refused or discontinued (with a 28-day notice period) since the person will be able to work and access mainstream benefits
- them being accepted as a fresh asylum or Article 3 application, but later refused, and the person is given a right of appeal against that decision, support must be refused or discontinued and the person advised that they may be eligible for asylum support provided under section 95 of the 1999 Act
- them being rejected with no right of appeal, or accepted as a fresh asylum or Article 3 application but the claim is certified under [section 96 of the 2002 Act](#),

section 4 support must be refused or discontinued unless the person is eligible on a different basis

- their asylum claim no longer being declared inadmissible and their asylum claim being considered substantively in the UK, they may be eligible for support under section 95 of the 1999 Act

Further submissions do not apply to the decisions to declare a protection claim inadmissible under either section 80A or section 80B of the 2002 Act. However, the particular issues raised in further submissions made in relation to a human rights claim may mean that it is appropriate for the asylum claim to be admitted for substantive consideration. In such circumstances, the applicant may be eligible for support under section 95 support of the 1999 Act.

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Reviewing the provision of support

This section explains when to review a person's continued provision of support, and the actions to take if you decide to refuse, suspend or discontinue their support. If a person is granted support their case must be reviewed regularly to ensure that they remain eligible to receive it. In most cases, support must be reviewed no later than 3 months from the date that it was granted, or 3 months from the date of the last review. However, earlier or later review dates may be set but only where the following exceptional circumstances apply.

Earlier review dates may be set in the following circumstances:

- where the person is supported on the basis that they are taking all reasonable steps to leave the UK, and, in particular, the review will need to check that the person is co-operating with Home Office efforts to arrange for their documentation or departure, or that they have approached their national embassy for the purposes of obtaining a passport
- where the person is supported because they are in the later stages of pregnancy, the review should normally take place 6 weeks from the estimated delivery date (EDD) and / or the expected week of confinement (EWC) of their child

Later review dates may be set in the following circumstances:

- in exceptional cases where supporting medical evidence makes clear that a person's ability to travel will not change for a period beyond 3 months for example, a period of 5 months, the review date should be set shortly after this time period

If the review concludes that the person is no longer eligible to receive support, support must be discontinued.

Suspending support due to non-compliance

Individuals who are in receipt of section 4 support must comply with the [conditions of their support](#). Those conditions must be set out in a notice to the supported person in writing and must explain the consequences of failing to comply with those conditions. Where it appears an individual has breached a condition of their support, asylum support caseworkers should refer the case to the asylum support compliance team who will try to establish whether there is a reasonable explanation for failing to comply and consider the appropriate actions to take.

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Refusing or discontinuing support

Where it is decided to refuse support or to stop providing it, a letter setting out the reasons must be sent to the person, copied to their immigration advisor if they have one. Where possible, this letter can be sent via email to the person ensuring their immigration advisor is copied if they have one. The letter must inform the person of the date their support will come to an end. The accommodation provider must also be given separate notice of the decision, with instructions that any notice to quit served on the person should give them no less than 7 days to vacate the accommodation. The circumstances in which section 4 support can be discontinued include:

- where a person has been granted a form of leave to remain
- where a person no longer satisfies the eligibility criteria for section 4 support
- where a person has been non-compliant with the conditions of their support and has failed to provide a reasonable explanation for doing so

A decision to discontinue or refuse section 4 support attracts a [right of appeal](#).

Discontinuation of support to families with children

In considering whether to discontinue the provision of support to a person with dependants under the age of 18, the course of action taken must have regard to the need to safeguard and promote the welfare of the children as provided for in section 55 of the 2009 Act.

If support is being discontinued because the person no longer meets the eligibility criteria set out in regulation 3(2) of the 2005 Regulations or because they breached the conditions attached to the provision of support, the local authority children's services must be informed so that they can consider whether they need to take any action that they consider necessary to safeguard the welfare of the child.

It is not necessary to inform the local authority if support is being discontinued because the person is not destitute.

Senior caseworker approval must be given before support is discontinued to any person with dependent children.

Appeals against refusal or discontinuation of support

A decision to refuse or discontinue section 4 support attracts a right of appeal under [section 103](#) of the 1999 Act to the First-tier Tribunal (Asylum Support). The decision letter must advise the person of their right of appeal, provide information about how to appeal and enclose the forms needed to make an appeal.

Appeals must be received by the Tribunal within 3 working days of receipt of notice of the decision, but the Tribunal may decide to allow an appeal submitted later to proceed if they consider that to be appropriate.

If the appeal is against a decision to discontinue support and the Tribunal decides, before the discontinuation period expires to allow an appeal to proceed, support must be continued until the appeal has been decided. The person and the accommodation provider must be informed so support is not discontinued.

If, however, support has been discontinued and the person has moved out of their accommodation (usually following the end of their grace period), support will not be reinstated pending the outcome of the appeal.

Repeat applications

If a person's application for support is refused or their support has been discontinued and they have not appealed against the decision or their appeal has been dismissed, any further application for support must not be entertained unless the application is made on a different basis or there has been a material change of circumstances.

The decision letter must explain why it is considered that there has been no material change of circumstances and refer back to the reasons why it has already been found that the person does not qualify for support.

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Additional services or facilities

Background

[The Immigration and Asylum \(Provision of Services or Facilities\) Regulations 2007](#) (the 2007 Regulations) enable various additional services or facilities to be provided to those receiving support under section 4 of the 1999 Act.

A person may apply for additional services or facilities if they are already receiving section 4 support, or while they apply for it. A person refused section 4 support because they are ineligible to receive it is also ineligible to receive assistance under the 2007 Regulations.

All applications for additional services or facilities made under the 2007 Regulations must be made on the application form for [section 4 extra services or facilities](#). Additional services or facilities that have not been applied for on the form will not be authorised. In most cases, additional services and facilities are delivered by making additional funds available to the person via their ASPEN card or by providing them with travel tickets.

Travel

Regulation 3 of the 2007 Regulations provides that the Secretary of State may supply, or arrange for the supply of, facilities for travel for a qualifying journey for a person to:

- receive healthcare treatment if the person has provided evidence that the qualifying journey is necessary
- register a birth

A 'qualifying journey' is defined in regulation 2 as either:

- a single journey not less than 3 miles
- a single journey less than 3 miles where the person, or their child dependant, is unable or virtually unable to walk a distance of up to 3 miles due to a physical impediment or some other reason, or where the person has a child dependant under the age of 5

Travel for healthcare treatment

If the person is seeking assistance to fund the costs of travel for healthcare treatment they should, where possible, submit written evidence from their healthcare provider to demonstrate that they need to travel to receive the treatment. This evidence should, where possible, be submitted on official notepaper with details of the healthcare provider. An appointment card will suffice.

Where evidence is provided for a series of medical appointments, authorisation can be given for the whole series.

There may be some occasions where a verbal statement of a pending medical appointment is acceptable, for instance where there is a clear and obvious need for someone to visit their GP or an accident and emergency department at short notice.

There may also be occasions where it is not possible to establish the cost of travel to receive healthcare treatment. In these circumstances the accommodation provider can be authorised to arrange and fund the travel. In these scenarios, it will be necessary to:

- establish whether required journeys are to be made by bus, another form of public transport, or by taxi
- establish an approximate cost considering the person's current area of residence, request that the accommodation provider provides details of all costs incurred, any discrepancies between the estimated and actual costs should subsequently be settled with the accommodation provider

Travel to register a birth

Where a birth has taken place in the UK it must be registered. In England, Wales and Northern Ireland, the birth must be registered within 42 days. In Scotland, this must be done within 21 days.

If the person is seeking assistance to fund the costs of travel to register a birth the completed application form must include the child's name, date of birth and place of birth in the dependants section of the form.

Evidence that the birth has taken place may be documentary evidence from the hospital, such as the midwife's notes, baby's national health number or, in the event the mother is currently in receipt of support, evidence of a baby in the household.

Those who have already submitted a MATB1 form, which includes the estimated date of delivery of their child, should not need to provide further evidence if they apply for additional assistance to register the child's birth.

Travel for dependants

If facilities for travel are provided to a supported person, the same arrangements may also be made for their dependants if they are also supported.

If facilities for travel are provided under regulation 3(1) to a supported child, regulation 3(2) allows the following to be provided with travel costs to accompany the child:

- parent
- guardian
- person who for the time being takes parental responsibility for that supported child; but only if they are also a supported person

Birth certificates

Regulation 4 of the 2007 Regulations provides that arrangements may be made for the provision to a supported person of their child's full birth certificate. The person should apply with evidence of the child's birth.

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Telephone calls

Regulation 5(1) of the 2007 Regulations provides that the Secretary of State may supply, or arrange for the supply of, facilities to a supported person aged 18 or over, to make telephone calls:

- regarding medical treatment or care
- to a qualified person
- to a court or tribunal
- to a voluntary sector partner
- to a citizen's advice bureau
- to a local authority
- to an immigration officer
- to the Secretary of State

Supported persons who are provided with assistance under regulation 5(1) should have their ASPEN card credited with an additional £5.

No further payment should be made until a period of 6 months has elapsed and a further application must be made before any additional funds are provided.

If a person wishes to make telephone calls for any purpose not listed in regulation 5(1) they should instead apply under the [exceptional specific needs](#) category.

Stationery

Regulation 5(2) of the 2007 Regulations provides that the Secretary of State may supply, or arrange for the supply of, stationery and postage for correspondence to a supported person aged 18 or over:

- regarding medical treatment or care
- to a qualified person

- to a court or tribunal
- to a voluntary sector partner
- to a citizen's advice bureau
- to a local authority
- to an immigration officer
- to the Secretary of State

Stationery includes, but is not limited to, pens, pencils, stamps, envelopes, paper.

Supported persons who are provided with assistance under regulation 5(2) should have their ASPEN card credited with an additional £2.50.

If a person wishes to correspond for any other purpose they should instead apply under the [exceptional specific needs](#) category.

Additional support for pregnant women and children

One-off additional support for pregnant women and new mothers

Regulation 6 of the 2007 Regulations provides that during the antenatal eligible period, additional support to the value of £300 may be provided to a pregnant person in respect of each child they are expecting.

In a case where such support has not been provided during the antenatal eligible period, it may be provided after the supported person has given birth.

However, the additional support may only be provided during the period from eleven weeks before the estimated date of delivery to 6 months after the birth.

Additional support under regulation 6 should not be provided if the person has already received a maternity payment in respect of the child in question at a time when they were receiving support provided under section 95 of the 1999 Act.

An application for additional support under regulation 6 should normally include a MATB1 form showing the estimated date of delivery of the child, or a letter from a community midwife or GP, or the child's full birth certificate. However, where this information has already been supplied for a different purpose, it is not necessary to ask for it again.

Additional weekly support for pregnant women and children under 3

Regulation 7 of the 2007 Regulations provides that for the duration of a person's pregnancy additional funds may be credited to their ASPEN card to the value of £5.25 per week.

The application for additional funds must be made by the pregnant woman, regardless of whether they are the main applicant, or a dependant of a person supported under section 4(2) of the 1999 Act.

The original MATB1 form must be provided, showing the estimated date of delivery of the child, with the application. If the MATB1 is endorsed by a midwife, their personal identification number must be entered on the form along with their signature.

If it is not possible to submit the original MATB1 form, a letter from a community midwife or a letter from a GP is acceptable.

From the date of the child's birth until the date of its first birthday an additional £9.50 per week may be credited to the ASPEN card if the child is a supported person.

From the day after the first birthday until the 4th birthday of a child who is a supported person, additional funds to the value of £5.25 per week may be credited to the supported person's ASPEN card.

Persons who are newly beginning to receive section 4 support with a child dependant aged under 4 or are later joined on support by a dependant child aged under 4, may also apply for additional support under regulation 7 of the 2007 Regulations.

In these cases, the application form should include the child's full original birth certificate. Photocopies should not be accepted.

Additional weekly support for children's clothing

Regulation 8 of the 2007 Regulations provides that additional funds to the value of £5 per week may be credited to the person's ASPEN card for the purposes of providing clothing in respect of a supported child aged under 16.

Exceptional specific needs

Regulation 9 of the 2007 Regulations provides that additional support may be provided if the Secretary of State is satisfied the supported person has an exceptional need for:

- facilities for travel
- facilities to make telephone calls
- stationery and postage
- essential living needs

In determining what are, or are not, to be treated as essential living needs, regard should be had to regulations made under section 95(8) of the 1999 Act.

Whether a perceived need is considered exceptional must be decided on a case-by-case basis. Senior caseworker advice should be sought where a person applies for additional services or facilities under this category.

The onus is on the person to demonstrate that the need is sufficiently exceptional to warrant a grant of additional services or facilities under regulation 9 of the 2007 Regulations.

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