



Home Office

Ceasing Section 95 Support instruction

Version 5.0

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About this guidance

This guidance sets out how and when to cease support following a change in the person's immigration status, or eligibility for asylum support.

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 **5.0**
- published for Home Office staff on **24 September 2025**

Changes from last version of this guidance

This guidance has been updated on page 15 to clarify the process for discontinuing support in failure to travel cases.

Related content

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For full context on asylum support policy see Asylum support policy and process instructions pages

Related external links

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

Application of 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 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.

Caseworkers 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 take into account 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

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Introduction

Background

Section 95 of the Immigration and Asylum Act 1999 (the 1999 Act) enables the Secretary of State to provide, or arrange for the provision of, support for asylum seekers or dependants of asylum seekers who appear to be destitute or are likely to become destitute within a prescribed period set out in the Asylum Support Regulations 2000 (the 2000 Regulations). In cases where the person is applying for section 95 support the prescribed period, as provided for in regulation 7 of the 2000 Regulations, is 14 calendar days from the date an application for support falls to be determined. In cases where the person is already receiving support the prescribed is 56 calendar days.

Individuals can generally continue to access Section 95 support until:

- there has been a final determination on the asylum claim
- their asylum claim is withdrawn
- they are assessed as no longer destitute
- they have breached the conditions of their support

This guidance sets out how Section 95 support should be discontinued in these circumstances, and circumstances in which support should not be ceased.

Failed asylum seekers who meet the eligibility criteria may be supported under Section 4(2) and their dependants under Section 4(3).

For actions to take in Section 4 cases see Asylum support Section 4(2) policy and process.

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Determination of an asylum claim

If an applicant no longer has an undetermined asylum claim, an undetermined Article 3 claim under the European Convention of Human Rights or a pending appeal, they cease to be eligible for Section 95 support under the provisions of the Immigration and Asylum Act 1999 and support must be discontinued unless their household includes a dependent child under the age of 18.

An individual continues to an asylum seeker for the purposes of asylum support for a prescribed period (also known as the 'grace period') after they have been notified of the decision on their asylum claim 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.

Where the asylum claim is granted

An individual remains an asylum seeker for asylum support purposes for 28 days following the determination of an asylum claim which results in a grant of leave.

Current process is that an individual can continue to receive support for at least 28 days following the issuance of their asylum support discontinuation letter.

When a decision is made to grant an asylum claim, caseworkers should take the following steps.

Casework actions and considerations

1. Individual is served a grant letter which outlines when asylum support will end. This letter must also be served alongside the 'Urgent things you need to do' leaflet, which outlines how to apply for benefits or find a job and information on finding somewhere to live.
2. Individual has a UKVI account created for them and sent details on how to access the account and therefore their eVisa.
3. Individual's case is passed to the asylum support discontinuation team to undertake discontinuation action and cease support. The caseworker should conduct all the necessary checks to ensure they can be discontinued.
4. When the case is ready to be discontinued, caseworkers should calculate the end support date. The end of support date should be calculated by counting 28 days from the date the discontinuation letter is to be issued, adding on 2 calendar days if the notice is being sent by post. If the end of support date is calculated to fall on a bank holiday or weekend, the next working day should be used.
5. Once the end of support date is calculated, the caseworker should discontinue financial subsistence payments in line with the end of support date. Whilst

- support payments should stop in line with the end of the support date, the payment card should remain open for 28 days after the end of support date.
6. The caseworker should then issue the asylum support discontinuation letter, either by email, or by post. This letter should include a copy of the individual's UKVI account details and national insurance number (NINO) where available. The caseworker should ensure copies of all correspondence are uploaded to the Home Office case working system.
 7. At the same time, the caseworker should notify the accommodation provider via the Collaborative Business Portal to ensure the notice to quit (NTQ) is sent at the correct time. Accommodation providers should issue the NTQ to the individual on behalf of the Home Office with a minimum of 7 days' notice.

Where the asylum claim is refused

Following the service of a refusal decision, an individual continues to be an asylum seeker for the purpose of asylum support for 21 days. However, an individual may continue to be eligible for Section 95 support in the following scenarios:

- if an asylum claim appeal is submitted - see [appeal following refusal of an asylum claim](#)
- if the individual has a dependant under the age of 18 - see [supported persons whose household includes a dependent child under the age of 18](#)

When a decision is made to refuse an asylum claim, caseworkers should take the following steps.

Casework actions and considerations

1. Individual is served a refusal decision letter which will outline appeal rights, and that they remain an asylum seeker for the purposes of asylum support and therefore eligible for Section 95 support for a further 21 days.
2. The case is passed to the asylum support discontinuation team to undertake discontinuation action and cease support.
3. Caseworker conducts all the necessary checks to ensure they can be discontinued, including but not limited to whether the individual has appealed, and whether there is a dependant under the age of 18. If an appeal has been submitted, or there is a dependant under the age of 18 within the household, no further discontinuation action should be taken at this stage.
4. If a case is ready to be discontinued, caseworkers should calculate the end of support date. The end of support date should be calculated by:
 - counting 21 calendar days from the date the refusal was served
 - adding on 2 calendar days if the notice is being sent by post
 - going to the next working day if the end of support date would fall on a bank holiday or weekend
 - ensuring that the individual will receive at least a minimum 7 days' notice
5. Once the end of support date is calculated, the caseworker should discontinue financial subsistence payments in line with the end of support date. Whilst

- support payments should stop in line with the end of the support date, the payment card should remain open for 28 days after the end of support date.
6. The caseworker should then issue the asylum support discontinuation letter.
 7. At the same time, the caseworker should notify the accommodation provider via the Collaborative Business Portal to ensure the individual's NTQ letter is sent at the correct time. Accommodation providers should issue the NTQ to the individual with a minimum of 7 days' notice.
 8. The caseworker should ensure copies of all correspondence are uploaded to the on-file Home Office case working system. A review should be set for the 4th day after the decision to refuse leave was received by the applicant to establish whether an appeal has been submitted. Where an appeal has been raised, support will be reinstated.

Pregnant women

A pregnant woman, whether single or part of a couple, who has no other minor dependants will cease to be eligible for support when her asylum claim is refused according to the definition in Section 94 (3) of the [Immigration and Asylum Act 1999](#). Flexibility for a transfer of support to Section 4 can be considered if a pregnant woman is close to giving birth.

Where a dependent child is born or (aged under 18) becomes part of the household within the 21-day grace period following the notification of the termination of support, Section 95 support can be reinstated.

If the only dependent child is born or (aged under 18) becomes part of the household outside of the 21-day grace period, the family will not be eligible for Section 95 support. They may be eligible for Section 4 support if they meet the relevant criteria.

Where the asylum claim is declared inadmissible

Where an applicant's claim for asylum is declared inadmissible, their entitlement to asylum support will be the same as that of a failed asylum seeker. They cease to be eligible for section 95 support under the provisions of the 1999 Act and support must be discontinued unless their household includes a dependent child under the age of 18.

For applicants who do not have dependants under the age of 18, section 95 support will continue for 21 days beginning on the day they are notified their claim has been declared inadmissible. After the 21-day period, their support will stop.

The exception is where an asylum seeker is declared inadmissible under the Immigration Rules meaning they made their claim before 28 June 2022 and isn't precluded from support. In these cases, they will still be eligible for Section 98 and 95 support.

Where an applicant's asylum claim is declared inadmissible and their section 95 support under the provisions of the 1999 Act has been discontinued, they may be supported under section 4(2) of the Act if they meet the eligibility criteria. It is the applicant's responsibility to apply for section 4(2) support of the 1999 Act should they

need to do so, and demonstrate how they meet the eligibility criteria including how they satisfy one of the conditions set out in regulation 3(2) of the [Immigration and Asylum \(Provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#). For more information on section 4 support see Asylum Support Section 4 policy and process.

When a decision is made to declare an asylum claim inadmissible, caseworkers should take the following steps.

Casework actions and considerations

1. Third Country Unit (TCU) caseworkers to notify the applicant of inadmissibility decision, information on likely cessation of section 95 support of the 1999 Act and provide information relating to eligibility to apply for section 4(2) support under the 1999 Act.
2. TCU caseworkers to share information on inadmissibility decision with Asylum Support teams to consider discontinuation of section 95 support.
3. Asylum Support team to process discontinuation of section 95 support of the 1999 Act and share information to the individual on applying for section 4 support.

Inadmissible claims considered under the Immigration Rules

Where an applicant whose asylum claim has been declared inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002 and is supported under section 4(2), but the Secretary of State decides to consider the asylum claim in accordance with section 80B(7), they cease to be eligible for section 4(2) support and become eligible for section 95 support. The operational work to enable the applicant's transfer from section 4(2) support to section 95 support is to be completed by the Home Office on behalf of the applicant. In these cases, caseworkers should take the following steps.

Casework actions and considerations

1. TCU caseworkers to notify the applicant that despite the inadmissibility decision, their claim is now being considered in the UK and provide information relating to support options.
2. TCU caseworkers to notify Asylum Support team the applicant's claim is now being considered and will be transferred from section 4 support to section 95 support of the 1999 Act.
3. Asylum Support team will transfer the applicant from section 4 support to section 95 support and notify the applicant this has been completed.

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Withdrawal of an asylum claim

If an applicant withdraws their asylum claim (explicit withdrawal) or has their asylum claim withdrawn (implicit withdrawal), they are not eligible for asylum support as they are no longer someone who has made a claim for asylum, unless they have an outstanding European Convention on Human Rights (ECHR) Article 3 (medical) claim, see '[claimant has an outstanding European Convention on Human Rights \(ECHR\) Article 3 \(medical\) claim](#)'. Applicants are not entitled to a 'prescribed period' of support following the asylum claim withdrawal as there has not been a decision on the asylum claim.

Where an individual believes that their asylum claim has been withdrawn incorrectly, they can contact the Home Office to review the withdrawal. For more information, see [cancelling withdrawals](#).

For more information on asylum claim withdrawals, see withdrawing asylum applications guidance.

When an asylum claim is withdrawn, caseworkers should take the following steps.

Casework actions and considerations

1. Following an asylum claim being withdrawn, if the application for section 95 support is still under consideration, the application for support should be refused on the grounds that the person is not an asylum seeker. If the individual has already been granted support, action should be taken to discontinue support on the grounds that the person is not an asylum seeker.
2. The asylum support discontinuation team should undertake discontinuation action and cease support.
3. Caseworker conducts all the necessary checks to ensure that they can be discontinued.
4. When it is confirmed that the case can be progressed for discontinuation, caseworkers should immediately discontinue financial subsistence payments. The payment card should remain open for a further 28 days.
5. The caseworker should then issue the 'Asylum Support Discontinuation Letter'. The letter should outline the end of support date as the date the letter is sent out, but also set out the date the individual will be expected to leave their accommodation, which will generally be a minimum of 7 days from the date of the letter, plus 2 days if the letter is sent by post. The letter should also outline appeal rights.
6. At the same time, if the individual is in Home Office accommodation, the caseworker should notify the accommodation provider via the Collaborative Business Portal to ensure the individuals NTQ letter is sent at the correct time. Accommodation providers should issue the NTQ to the individual on behalf of the Home Office with a minimum of 7 days' notice unless the specific circumstances justify a lesser period.
7. The caseworker should place copies of all correspondence on file and fully minute Home Office case working system with details of all actions taken.

Dependants under 18

Where an asylum claim has been withdrawn and the household includes a dependent child who is under 18, the discontinuation action taken must be consistent with the Home Office's obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009, to ensure that the decision has regard to the need to safeguard and promote the welfare of children who are in the UK.

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No longer destitute

A change in the applicant's circumstances may indicate they are no longer in need of asylum support. If an applicant is assessed by a caseworker as no longer destitute, then support should be ceased as they are no longer eligible for Section 95 support. For more information see assessing destitution guidance.

Examples may include:

- where an individual is granted a form of temporary leave which gives them recourse to public funds but still has an outstanding asylum claim
- where the applicant has gained access to funds or other support, for example by working, which takes them above the destitution threshold
- if an individual is detained or imprisoned and there is no indication that they will be released within 56 days

If a change of circumstance means an individual will only not be destitute for a period less than 56 days, suspension of support should be considered instead, see [suspension of support](#).

For more information see conditions of support guidance.

Where a final decision has been made to discontinue support due to a change of circumstances that isn't where someone has been granted a form of temporary leave (see [granted with temporary leave](#)), caseworkers should take the following steps.

Casework actions and considerations

1. Caseworker conducts all the necessary checks to ensure that they can be discontinued.
2. When it is confirmed that the case can be discontinued, caseworkers should immediately discontinue financial subsistence payments. The payment card should remain open for a further 28 days.
3. The caseworker should then issue the 'Asylum Support Discontinuation Letter', outlining the end of support date and the reason why support is being discontinued, as well as appeal rights.
4. At the same time the caseworker should notify the accommodation provider via the Collaborative Business Portal to ensure the individuals NTQ letter is sent at the correct time. Accommodation providers should issue the NTQ to the individual on behalf of the Home Office with a minimum of 7 days' notice unless the circumstances justify a lesser notice period.

The caseworker should ensure copies of all correspondence are uploaded to the Home Office case working system.

Suspension of support

In some situations, a change of circumstances may warrant only a suspension of support. If a supported person has notified the Home Office that they will not be destitute for a specific period for example, because they are detained or imprisoned, the period they do not require support must be established. Accommodation and subsistence should only be suspended in cases where the suspension will last up to 56 days, otherwise support should be discontinued.

Where a decision is made to suspend support, caseworkers should take the following steps.

Casework actions and considerations

1. Ensure that each case is treated on its individual merits, including giving consideration to whether the person is to be considered a vulnerable person.
2. If the applicant and their dependants' essential living needs will be met for more than 56 days, support must be terminated.
3. Ensure that the accommodation provider and the applicant (or a voluntary organisation, if relevant) are informed of the suspension decision via a suspension letter.
4. Ensure that the applicant is given written reasons for the suspension of support.
5. The caseworker should place copies of all correspondence on file and fully minute the Home Office case working system with details of all actions taken.
6. If support is being suspended, there is not a right of appeal against that decision.

Applicants should inform the Home Office in writing if there is a further change in their circumstances which would allow for their regular support payments to be restarted or for support to be fully discontinued.

Granted with temporary leave

Applicants granted interim Discretionary Leave (KTT) or Temporary permission to stay for victims of human trafficking and slavery (VTS Leave) who still have outstanding asylum claims cease to be eligible for Section 95 support. This is because their right to work and access public funds mean they will not become destitute within 56 days. Support should be ceased in line with the process for those granted asylum. See [asylum claim which results in a grant of leave](#).

For more information on interim Discretionary Leave see modern slavery cases (including human trafficking) section in the Discretionary Leave guidance.

For more information on VTS Leave see Temporary Permission to Stay for Victims of Human Trafficking or Slavery.

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When an applicant has breached the conditions of their support

Support may be discontinued if there has been a breach of asylum support conditions. See the conditions of support guidance for more information.

Where a decision is made to discontinue support, caseworkers should take the following steps.

Casework actions and considerations

1. Caseworker conducts all the necessary checks to ensure that they can be discontinued.
2. When it is confirmed that the case can be discontinued, caseworkers should immediately discontinue financial subsistence payments. The payment card should remain open for a further 28 days.
3. The caseworker should then issue the 'Asylum Support Discontinuation Letter', outlining the end of support date, the reason why support is being discontinued, as well as appeal rights.
4. At the same time the caseworker should notify the accommodation provider via the Collaborative Business Portal to ensure the individual's NTQ letter is sent at the correct time. Accommodation providers should issue the NTQ to the individual on behalf of the Home Office with a minimum of 7 days' notice unless the circumstance justify a lesser notice period. Where support is being discontinued due to a failure to travel (FTT), an NTQ will be issued earlier as part of the accommodation move process. For more information see: Failure to travel to Asylum accommodation policy guidance.

The caseworker should ensure copies of all correspondence are uploaded to the Home Office case working system.

Discontinuation of support to families with children

When considering whether to discontinue the provision of support under Section 95 of the Immigration & Asylum Act 1999 to families with minors, the course of action taken must be consistent with the Home Office's obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009, to ensure that the decision has regard to the need to safeguard and promote the welfare of children who are in the UK.

If a decision is being made as to whether it is appropriate to discontinue support to a family with children under regulation 20 of the Asylum Support Regulations 2000, if the family are assessed as being destitute if it were not for the provision of the aforesaid support, the Home Office must take in to account the impact of any decision on the family.

Any decision as to whether it is appropriate to discontinue support must be proportionate to the situation. If the breach was minor, such as failing to report, it

may not be appropriate to discontinue the provision of support. If, however, the breach was extremely serious, such as extreme violence or vandalism, it may be appropriate to discontinue support. When making decisions as to whether it would be appropriate to discontinue support, caseworkers should consult their Senior caseworker before proceeding.

If the discontinuation of support is appropriate, the caseworkers should take appropriate steps to safeguard and promote the welfare of the children. Before any action is taken to begin the process to discontinue support, the caseworker should liaise with the local authority, notifying them that the Home Office plans to discontinue support from the family, and request that the local authority provides alternative support. If the local authority makes an offer of support, the provision of support under Section 95 should be discontinued as soon as the family transfers into local authority care.

If the Home Office considers that the supported family are eligible for support provided by the local authority, but the local authority refuses to provide support, the provision of asylum support must be maintained until the local authority provides support.

If a decision is taken that it would be appropriate to discontinue the provision of support to a family with children, the discontinuation letter should explain why the decision is consistent with the Home Office's obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009.

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When support should not be ceased

Supported persons whose household includes a dependent child under the age of 18

If an asylum seeker's household includes a dependent child who is under 18 and are a dependant of his, they are to be treated (for asylum support purposes) as continuing to be an asylum seeker whilst the [youngest] child is under 18 and they and the child remain in the United Kingdom; providing the dependant was part of the household before the end of the 21-day prescribed period.

Support should not be discontinued in these cases unless, either:

- refugee status or other leave to remain is granted
- the asylum seeker and/or the child leave the UK
- they fail to comply with the conditions of section 95 support
- the asylum seeker's household are assessed as no longer destitute for support purposes

In all other circumstances, support will continue whilst:

- the (youngest) dependant is under 18
- the main applicant and the dependant remain in the United Kingdom
- the dependant continues to be dependent on the supported person
- the dependant continues to be part of the household

Caseworkers should:

- amend Home Office case working system to show the new status of the asylum claim, but Home Office case working system should also continue to reflect the status of the asylum support application
- use a 'bring forward' (BF) system to signal 4 weeks before the youngest child's 18th birthday in order that support can be ended on the birthday, and 21 days' notice given

Appeal following refusal of an asylum claim

Section 17(2) of the [UK Borders Act 2007](#), allows that a person remains an asylum seeker during the period when they can bring an in country right of appeal or an in country right of appeal is brought. The applicant has 10 working days after they receive the decision on their asylum claim in which to lodge an appeal. If an appeal is submitted within this time frame, support should not be ceased.

If an appeal is submitted after support is ceased and it is accepted as 'in time' then the applicant becomes eligible for support - if, at this time, support has been fully terminated because no appeal was received, then a new application for support will need to be made. If support has not been fully terminated, then support should continue until the applicant becomes Appeal Rights Exhausted (ARE).

High Court injunctions

Support must not be stopped if a High Court injunction is obtained on behalf of the supported asylum seeker that prevents support from being discontinued until the court decides one way or the other. Tribunal judges might also make such a ruling.

Claimant has an outstanding European Convention on Human Rights (ECHR) Article 3 (medical) claim

Where an asylum claim is withdrawn, whether explicitly or implicitly, support should not be discontinued if the claimant has an outstanding European Convention on Human Rights (ECHR) Article 3 (medical) claim.

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Reinstatements or extensions

In limited circumstances, support may be reinstated or extended following a discontinuation or a circumstance that would usually require a discontinuation.

A reinstatement of support is used in circumstances where support has been discontinued and is assessed as necessary to continue, but where the date that support should end is yet to be determined. A new discontinuation letter is required for support to end.

An extension of support is used in circumstances where:

- support has yet to be discontinued but is due to be discontinued and it has been assessed as necessary to delay that discontinuation - this is usually an informal process whereby caseworkers delay the issuance of the discontinuation letter
- support has been discontinued and is assessed as necessary to continue and the date that support should now end has been determined - a new discontinuation letter is not required but the new end of support date must be provided in a letter confirming that support is being extended

Requests should be reviewed on a case-by-case basis, but common scenarios will include:

- where a decision or discontinuation of support has not been served in line with policy
- specific safeguarding or health reasons that are reviewed by the safeguarding team or medical expert and determined that support should not be discontinued
- court orders and appeals
- where someone has been granted leave and issued an eVisa, but there is an error on the eVisa which means the individual is unable to use it

Generally, requests for support to be reinstated or extended should come through to the Home Office via Migrant Help in the first instance to be considered and decisions served within five working days of receiving the request, and where all the relevant information has been provided. The exception is where a reinstatement is requested due to an issue with an [eVisa](#).

All reinstatement or extension decisions will be sent out via email if an email address has been provided, has been verified and is contactable. If there is no email address, decisions will be sent via post to the address provided. If this address is for the Immigration Advisor, the notification will be sent there. It is the responsibility of the service user to contact their legal representative to check the reinstatement decision before calling Migrant Help.

The length of time support is extended or reinstated for will be decided based on the circumstances of the reason for that extension or reinstatement, where not specified below.

Discontinuation not served in line with policy

Where there is clear indication that a discontinuation has not been served in line with policy, for example, the asylum decision or discontinuation notice are sent to the wrong address, or a NTQ has not been issued, support should be reinstated, and the relevant notice reissued to the individual. Reissue of the notice will restart the relevant clock.

eVisa

An eVisa is an online record of a granted persons' immigration status and the conditions of their permission to enter or stay in the UK. It is the accepted method of providing evidence of status to access public services such as benefits and housing support and is also used to prove right to rent and right to work. An eVisa may also be an individual's only proof of identity following a positive decision being served. Therefore, support should generally only be discontinued when an individual has been given information on how to access their eVisa along with the required details.

Individuals should access their eVisa as soon as they possibly can, following guidance provided to them in their asylum decision letter. If an individual identifies an error on their eVisa, they should report this to the Home Office immediately where possible, or within 10 days where not, using the [Report an Error service](#) on GOV.UK. The following types of errors should be reported to the Home Office using the service:

- the eVisa is not visible when an individual has logged into their UKVI account
- there is a technical problem preventing the generation of a share code
- the details on the eVisa are wrong due to a Home Office mistake
- the photograph on the eVisa is wrong or not showing

The report an error service cannot help individuals create, log into, use or update a UKVI account. The following GOV.UK pages should be used instead.

- [create a UKVI account to get access to your eVisa](#) (only where the account is not created manually by the Home Office)
- [update your UKVI account details](#) - for example name, address, email address, passport or photo where these have changed
- [recover your UKVI account](#) if an individual has lost access to the email address or phone they use to receive security codes

Errors

Where an error is reported, asylum support should only be reinstated or extended in the following circumstances:

- the error is reported via the correct process, as outlined [above](#)
- the error is confirmed as one that needs correcting
- the error is one which means the individual is unable to prove their status or identity

- the error doesn't fall within one of the exceptions outlined below

Support should be reinstated or extended until the error is corrected. Once the error is corrected, support should be discontinued. The end of grace should be calculated as per policy, giving at least 28 days from the date of the discontinuation letter.

Not every error will mean that support should be reinstated or extended. The following cover the most common scenarios where support should not be reinstated or extended:

- eVisa states wrong type of leave or incorrect valid from/to date, but the details mean the individual has the same permissions i.e. right to work, access to public funds.
- an error with the name, date of birth, or nationality has been reported, but the details are consistent with those provided during the asylum claim process, and the error hasn't been raised pre decision
- a reported error which requires further information from the individual which has not been provided
- the 'error' is an account access issue (see '[UKVI account access](#)')

Where an error requires information from the individual to correct it, but the individual is not cooperating with these requests, support may be discontinued without the error being corrected.

UKVI account access

Where an individual is unable to access their UKVI account and therefore their eVisa, they should first follow the guidance on how to log into their account by visiting [View and prove your immigration status: get a share code - GOV.UK](#) or by watching the following video: <https://vimeo.com/988842085/097af92376>.

If the issue is that the individual is locked out of their account, they can recover their account by visiting [Recover your UK Visas and Immigration \(UKVI\) account - Recover account - GOV.UK](#).

Generally, being unable to access a UKVI account will not be a reason to reinstate or extend support. This is because most issues can be resolved instantly or within days. However, if there are specific issues which means it cannot be resolved within a few days, consideration may be given to extending or reinstating support until access is given.

Safeguarding and health reasons

Reinstatement or extension of support requests based on safeguarding or health reasons should generally be reviewed on a case-by-case basis and supported with relevant evidence. Where there is a doubt, requests should be referred to the safeguarding hub or medical expert for advice.

Pregnant woman granted leave

If the end of the grace period falls within a pregnant woman's protected period and no onward accommodation has been secured, support should be extended until the end of the protected period, unless the individual wishes to leave Home Office support. A pregnant woman's protected period is at the late stages of pregnancy and will be defined as normally running from 6 weeks before the Estimated Date of Delivery (EDD) until 6 weeks after birth unless or when a clinician has signed off on the postnatal checks. During this time, a pregnant woman should not be moved from where they live, receive maternity care and have social / family support. See: Healthcare Needs and Pregnancy Dispersal Policy. This is to reduce the heightened risk of any medical complications that might be caused with ceasing support and ensures continued accessibility to any necessary appointments. A discontinuation letter can be issued within the protected period if the end of support date is at least 6 weeks after the EDD. Consideration should be given to extending this if medical evidence is provided.

In cases where there has been a miscarriage or still birth, the protected period continues until all related procedures, including recovery have been completed. Hence, the grace period should extend until the end of this period, and no discontinuation letter should be served during this time unless requested by the pregnant women or a representative of theirs.

For information on what happens to a pregnant woman who is refused asylum, see [pregnant woman whose asylum claim is refused](#).

Court orders and appeals

Support should be reinstated or extended if a High Court injunction is obtained on behalf of the supported asylum seeker that prevents support from being stopped until the court makes a decision. Tribunal judges might also make such a ruling.

Severe weather

Where there is a severe weather emergency protocol (SWEP) or equivalent in place, activated by the local authority (LA), evictions from asylum accommodation will not be actively pursued by the accommodation provider for a period of up to 3 days after the end of support date. Support should not be reinstated or extended, but individuals should be able to remain in their asylum accommodation for up to 3 days where a SWEP or equivalent remains in place. Where the SWEP is still in place after 3 days, evictions can resume, as the 3-day pause gives both individuals and LAs the opportunity to plan for the individual leaving their accommodation.

These measures do not apply to individuals who are already overstaying when SWEP is activated, or individuals who have already secured onward accommodation.

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Asylum support appeals

Section 103(2) of the Immigration and Asylum Act 1999, states if the Secretary of State decides to stop providing support for a person under Section 95 before that support would otherwise have come to an end, that person may appeal to the First Tier Tribunal.

For information on how to make an appeal see: [Appeal an asylum support decision](#).

Asylum claim withdrawn

In light of the First-Tier Tribunal's decision in MAH & Ors -v- Secretary of State for the Home Department, the decision to cease support where the asylum claim has been withdrawn implicitly 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 and provide information about how to appeal and enclose the forms needed to make an appeal. The right of appeal is against the decision to cease support only; it is not a right of appeal against the decision to withdraw the asylum claim.

Should an applicant wish to challenge the decision to withdraw their asylum claim, they should request the Home Office to review that decision. The process of how a withdrawal decision can be challenged and circumstances under which a withdrawal can be cancelled are outlined in Withdrawing asylum claims guidance.

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