Home Office

Conditions of Support

Version 4.0

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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 in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to section 55. The Home Office instruction ‘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

Where a person is identified as a victim of antisocial and / or violent behaviour, it is vital to act quickly so that where necessary they and any children are offered safe accommodation and are not expected to stay with the perpetrator. This may result in moving perpetrators or victims.

Related content
Contents

About this guidance

This instruction sets out the conditions that should be attached to the provision of asylum support and the appropriate actions to take if it appears as though those conditions are not being met.

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 Asylum Policy

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms team.

Publication

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

- version **4.0**
- published for Home Office staff on **18 November 2026**

Changes from last version of this guidance

- added that the burden of proof that should be applied to the decision when investigating allegations of illegal working is the balance of probabilities – this change has been made to the investigating a breach of conditions section

Related content
Contents
Asylum support

Related external links
Asylum support instruction pages
The Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005 (legislation.gov.uk)
The Asylum Support Regulations 2000 (legislation.gov.uk)
The Asylum Support (Amendment) Regulations 2005 (legislation.gov.uk)
Immigration and Asylum Act 1999 (legislation.gov.uk)

Legislative background: conditions of support

For the purpose of this guidance, the term “asylum support” should be taken to mean support provided under sections 98, 95 or 4(2) of the Immigration and Asylum Act 1999 unless it is clear from the context that support under only one of these provisions is being referred to.

The term “authorised address” means the accommodation provided to a supported person under section 95, 98 or 4(2) of the 1999 Act or the address which a supported person is residing at if not in receipt of accommodation support.

Asylum support is provided on the basis that a supported person and any dependants they have adhere to the terms and conditions attached to it. The conditions of support are provided in writing. A breach of the conditions of support may lead to an early suspension or discontinuation of support.

Reasons to suspend or discontinue support

The relevant legislation for those supported under sections 95 and 98 of the 1999 Act is Regulation 20 of the Asylum Support Regulations 2000 (as amended).

“20 Suspension or discontinuation of support

(1) Asylum support for a supported person and any dependant of his or for one or more dependants of a supported person may be suspended or discontinued if--

(a) support is being provided for the supported person or a dependant of his in collective accommodation and the Secretary of State has reasonable grounds to believe that the supported person or his dependant has committed a serious breach of the rules of that accommodation;

(b) the Secretary of State has reasonable grounds to believe that the supported person or a dependant of his for whom support is being provided has committed an act of seriously violent behaviour whether or not that act occurs in accommodation provided by way of asylum support or at the authorised address or elsewhere;

(c) the supported person or a dependant of his has committed an offence under Part VI of the Act;

(d) the Secretary of State has reasonable grounds to believe that the supported person or any dependant of his for whom support is being provided has abandoned the authorised address without first informing the Secretary of State or, if requested, without permission;

(e) the supported person has not complied within a reasonable period, which shall be no less than five working days beginning with the day on which the request was received by him, with requests for information made by the Secretary of State and which relate to the supported person's or his dependant's

eligibility for or receipt of asylum support including requests made under regulation 15;

(f) the supported person fails, without reasonable excuse, to attend an interview requested by the Secretary of State relating to the supported person's or his dependant's eligibility for or receipt of asylum support;

(g) the supported person or, if he is an asylum seeker, his dependant, has not complied within a reasonable period, which shall be no less than ten working days beginning with the day on which the request was received by him, with a request for information made by the Secretary of State relating to his claim for asylum;

(h) the Secretary of State has reasonable grounds to believe that the supported person or a dependant of his for whom support is being provided has concealed financial resources and that the supported person or a dependant of his or both have therefore unduly benefited from the receipt of asylum support;

(i) the supported person or a dependant of his for whom support is being provided has not complied with a reporting requirement;

(j) the Secretary of State has reasonable grounds to believe that the supported person or a dependant of his for whom support is being provided has made a claim for asylum ("the first claim") and before the first claim has been determined makes or seeks to make a further claim for asylum not being part of the first claim in the same or a different name;

(k) the supported person or a dependant of his for whom support is being provided has failed without reasonable excuse to comply with a relevant condition; or

(l) the Secretary of State has reasonable grounds to believe that the supported person or a dependant of his for whom support is being provided has worked at a time when he was disqualified from working by reason of his immigration status.

(2) If a supported person is asked to attend an interview of the type referred to in paragraph (1)(f) he shall be given no less than five working days notice of it.
(3) Any decision to discontinue support in the circumstances referred to in paragraph (1) above shall be taken individually, objectively and impartially and reasons shall be given. Decisions will be based on the particular situation of the person concerned and particular regard shall be had to whether he is a vulnerable person as described by Article 17 of Council Directive 2003/9/EC of 27th January 2003 laying down minimum standards for the reception of asylum seekers.
(4) No person's asylum support shall be discontinued before a decision is made under paragraph (1).
(5) Where asylum support for a supported person or his dependant is suspended or discontinued under paragraph (1)(d) or (i) and the supported person or his dependant are traced or voluntarily report to the police, the Secretary of State or an immigration officer, a duly motivated decision based on the reasons for the disappearance shall be taken as to the reinstatement of some or all of the supported person's or his dependant's or both of their asylum support.
(6) For the purposes of this regulation--

(a) the authorised address is--

(i) the accommodation provided for the supported person and his dependants (if any) by way of asylum support; or

(ii) if no accommodation is so provided, the address notified by the supported person to the Secretary of State in his application for asylum support or, where a change of address has been notified to the Secretary of State under regulation 15 or under the Immigration Rules or both, the address for the time being so notified;

(b) "collective accommodation" means accommodation which a supported person or any dependant of his for whom support is being provided shares with any other supported person and includes accommodation in which only facilities are shared;

(c) "relevant condition" has the same meaning as in regulation 19(2);

(d) "reporting requirement" is a condition or restriction which requires a person to report to the police, an immigration officer or the Secretary of State and is imposed under--

(i) paragraph 21 of Schedule 2 to the Immigration Act 1971 (temporary admission or release from detention);

(ii) paragraph 22 of that Schedule; or

(iii) paragraph 2 or 5 of Schedule 3 to that Act (pending deportation).

(e) "working day" has the same meaning as in regulation 3(7) save that the reference to the applicant shall be a reference to the supported person or his dependant;”

(f) a person is disqualified from working by reason of his immigration status if he is so disqualified within the meaning given by section 24B(2) of the Immigration Act 1971 (1971 c.77. Section 24B was inserted by section 34(3) of the Immigration Act 2016 (c.19) (illegal working).

Any decision to discontinue support in any of the circumstances outlined above must be taken individually, objectively, and impartially and reasons should be given. The decision should be based on the particular situation of the person concerned and particular regard should be had as to whether the person is a vulnerable person as described by regulation 4 of the Asylum Support (Reception Conditions) Regulations 2005.

The relevant legislation for those supported under section 4(2) of the 1999 Act or a dependant supported under section 4(3) is Regulation 6 of the Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005.

“6.— (1) The continued provision of accommodation to a person falling within section 4(2) or (3) of the 1999 Act is to be subject to such other conditions falling within paragraph (2) as–
(a) the Secretary of State may from time to time determine, and
(b) are set out in a notice to that person in writing.

(2) A condition falls within this paragraph to the extent that it relates to–
(a) complying with specified standards of behaviour,
(b) complying with a reporting requirement,
(c) complying with a requirement–
(i) to reside at an authorised address, or
(ii) or if he is absent from an authorised address without the permission of the Secretary of State, to ensure that that absence if for no more than seven consecutive days and nights or for no more than a total of fourteen days and nights in any six-month period,
(d) complying with specified steps to facilitate his departure from the United Kingdom, or
(e) complying with a requirement not to work at a time when he is disqualified from working by reason of his immigration status.

(3) A person is disqualified from working by reason of his immigration status if he is so disqualified within the meaning given by section 24B(2) of the Immigration Act 1971 (illegal working).”

Compliance with specified standards of behaviour includes complying with the rules of their accommodation and compliance with a requirement to reside at an authorised address including complying with moves to a new authorised address.

For more information see the Asylum Support Section 4: Policy and Process guidance.

Right of appeal

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.
Information on how to make an appeal can be found on the following GOV.UK page: Appeal an asylum support decision.

Related content
Contents

Change of circumstances

Duty to declare significant changes to circumstances

A person supported under section 95 must inform the Home Office of any significant change in his circumstances as stated in regulation 15 (1) of the Asylum Support Regulations 2000. Failure to do so without reasonable excuse is an offence under section 105(1) (c) of the Immigration and Asylum Act 1999.

The level and type of support provided may need to be reassessed following a change of circumstances.

There is an ongoing obligation for the supported asylum seeker must inform the Home Office of any significant change to their circumstances, this applies to all support types under the section 98, 95 or 4 for the purpose of asylum support. For example, where their income fluctuates to such an extent that their average earnings are affected, they are expected to notify the Home Office via Migrant Help. The frequency of notification will be dependent on the individual circumstances and variation in income. The Home Office would seek an ongoing engagement with the service user to monitor their circumstances and determine what support and payments they should receive. As part of their conditions, asylum seekers must provide evidence, or information if requested by the Home Office which relates to the supported person's or his dependant's eligibility for or receipt of asylum support.

Recognised changes of circumstances

Regulation 15(2) of the Asylum Support Regulations 2000 states that a relevant change of circumstances occurs where a supported person or a dependant of his:

“(a) is joined in the United Kingdom by a dependant or, as the case may be, another dependant, of the supported person;
(b) receives or gains access to any money, or other asset mentioned in regulation 6(5), that has not previously been declared to the Secretary of State;
(c) becomes employed;
(d) becomes unemployed;
(e) changes his name;
(f) gets married;
(g) starts living with a person as if married to that person;
(h) gets divorced;
(i) separates from a spouse, or from a person with whom he has been living as if married to that person;
(j) becomes pregnant;
(k) has a child;
(l) leaves school;
(m) starts to share his accommodation with another person;
(n) moves to a different address, or otherwise leaves his accommodation;
(o) goes into hospital;
(p) goes to prison or is otherwise held in custody;
(q) leaves the United Kingdom; or

(r) dies.”

No longer destitute

Information received through notification of a change of circumstances or by other means may indicate that a supported person is no longer destitute and therefore no longer entitled to asylum support. For further guidance see: Assessing destitution.

Section 95(3) of the Immigration and Asylum Act 1999 states that a person is destitute if:

"(a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
(b) he has adequate accommodation or the means of obtaining it but cannot meet his other essential living needs.”

A supported person may inform the Home Office that he will not be destitute for a period of 56 days. In such cases, support may be suspended during that time. Please refer to the guidance under Assessing destitution.

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Investigating a breach of conditions

Where it appears that there has been a serious breach of conditions the caseworker should complete an Investigations Referral form to alert a Compliance Officer or the Accommodation Monitoring Team (AMT), for possible further investigation. The following should always be investigated:

- paid employment
- ownership of a motor vehicle
- undisclosed assets
- voucher fraud / fraudulent asylum support claim / multiple asylum support claims
- claiming of benefits
- overpayments caused by misrepresentation of material facts or failure to report a change of circumstances
- cohabiting or sub-letting of beds in asylum support accommodation
- unexplained absence from an asylum support address (AMT)
- vandalised / damaged asylum support accommodation
- possession of forged documents
- stealing or selling of stolen goods
- abusing or dealing in illicit drugs
- possession of an offensive weapon
- violent, threatening and serious anti-social behaviour

When investigating a potential illegal working breach, the standard of proof to be applied is the balance of probability. Decision-makers must be satisfied, on the available evidence, that it is more likely than not that the individual engaged in illegal working. This ensures a consistent standard of proof is applied when investigating allegations of illegal working involving individuals in receipt of Section 98, Section 95, or Section 4 support.

Related content
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Discontinuation of support

Any decision to discontinue support because of a breach of conditions must be taken individually, objectively and impartially, taking account of the degree of the breach or non-compliance with the particular condition. The decision should be based on the particular situation of the supported person concerned. Particular factures that should be taken into consideration, which are not exhaustive, are:

- the seriousness of the breach of the conditions
- the explanation for the breach of the conditions
- the extent to which there have been previous breaches of conditions

Particular attention should also be given to whether the supported person is a vulnerable person as described by Regulation 4 of the Asylum Seekers (Reception Conditions) Regulations 2005. The regulation states that a vulnerable person is:

- a minor
- a disabled person
- an elderly person
- a pregnant woman
- a lone parent with a minor child
- a person who has been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence who has had an individual evaluation of his situation that confirms he has special needs. However, there is no obligation to carry out an evaluation to see if the person has special needs

Discontinuation of support to families with children

When considering whether to discontinue the provision of support under section 95 of the Immigration and 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.

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, and 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 before proceeding. Any decision as to whether it is appropriate to discontinue support must be proportionate to the situation. If the breach was relatively minor, such as failing to report on a single occasion, 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. Such decisions should be discussed with a Senior Caseworker before proceeding.

If the discontinuation of support is appropriate, the caseworker 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.

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.

Abandonment of the authorised address

This is where the individual or individuals have clearly left the property with no intention to return. For example, the individual or individuals may have indicated to the accommodation provider that they are permanently leaving and / or their allocated address (which may include a room or a property), has been abandoned with all their personal belongings having been taken.

Where a person supported under section 95 and 98 has ceased to reside at their authorised address their support may be discontinued under paragraph 20(1)(d) of the 2000 Regulations.

If the person is supported under section 4(2) and they cease to reside at their accommodation their support may be discontinued under paragraph 6(2)(c)(i) of the 2005 Regulations.

Absences from the authorised address

The supported person must reside at the authorised address to continue to receive support. Additionally, the conditions attached to their support provide that they must not be absent without permission for more than 7 consecutive days and nights, or for more than a total of 14 calendar days and nights in any 6 month period. This applies to those on section 95 and section 4 support. Those on section 98 support are not permitted to be absent overnight.

Before discontinuing support under this condition ((Regulation 20(1)(d) of the 2000 Regulations for section 95 and Regulation 6(2)(c)(ii) for section 4), caseworkers must give the supported person the opportunity to explain their absence. Caseworkers must write to the supported person, setting out both of the following:

- the evidence of their absences from their authorised address
- that they need to provide evidence that they were not absent or explain why they were absent without permission

Caseworkers must decide whether, in view of the supported person's explanation, it would be reasonable to discontinue support. Each case should be considered individually, but relevant factors include:

- the length of time the person has been away from the authorised address
- if there have been other unauthorised absences from the address and if so, how many?

- the explanation for the absences - in particular, if the person left because of an emergency situation, for example because they were hospitalised, needed to provide care or assistance to sick relatives or felt obliged to leave the address because of anti-social behaviour by other residents
- explanation or evidence of how they supported themselves (including accommodation they stayed in whilst absent)

This list is not exhaustive, and caseworkers must decide whether a supported person is in breach of this condition and if so whether discontinuation of support is appropriate on a case-by-case basis.

Right of Appeal

Under section 95 individuals will have a Right of Appeal, however Caseworkers must decide whether, in view of the supported person's explanation, it would be reasonable to discontinue support. Each case should be considered individually, but relevant factors include:

- the length of time the person has been away from the authorised address
- if there have been other unauthorised absences from the address and if so, how many?
- the explanation for the absences - in particular, if the person left because of an emergency situation, for example because they were hospitalised, needed to provide care or assistance to sick relatives or felt obliged to leave the address because of anti-social behaviour by other residents
- explanation or evidence of how they supported themselves (including accommodation they stayed in whilst absent)

This list is not exhaustive, and caseworkers must decide whether a supported person is in breach of this condition and if so whether discontinuation of support is appropriate on a case-by-case basis.

For supported persons on section 4(2), a decision to refuse or discontinue support attracts a right of appeal under Section 103 of the 1999 act to the First-tier Tribunal (Asylum Support). Refer to Section 4 policy and process guidance.

There is no right of appeal (section 103 of the Immigration and Asylum Act 1999) against a decision to decline a request for section 98 support although further evidence can be provided as evidence of destitution.

Related content
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Antisocial behaviour

The relevant legislation for cases where a person supported under section 95 may have committed antisocial behaviour is paragraph 20(1)(a) and (b) of the Asylum Support Regulations 2000 (as amended).

20(1)(a) states support may be suspended or discontinued if:

“Support is being provided for the supported person or a dependant of his in collective accommodation and the Secretary of State has reasonable grounds to believe that the supported person or his dependant has committed a serious breach of the rules of that accommodation.”

The burden of proof to establish that the supported person has committed anti-social behaviour contrary to the rules of their accommodation is on the Secretary of State, and therefore the Compliance Officer acting on behalf of the Secretary of State. The evidence must show that there has been a serious breach of the rules of the accommodation. The detailed rules of the accommodation are generally provided to the person through an Occupancy Agreement that is shown to them by their accommodation provider at the time they enter the accommodation. Compliance Officers must therefore be satisfied that the person was provided with the rules of the accommodation and that the evidence establishes that there was a breach before making a decision to suspend or discontinue support.

20(1)(b) states support may be suspended or discontinued where:

“The Secretary of State has reasonable grounds to believe the supported person or a dependant of his for whom support is being provided committed an act of seriously violent behaviour whether or not that act occurs in accommodation provided by way of asylum support or at the authorised address or elsewhere.”

The burden of proof is on the Secretary of State, and therefore the Compliance Officer acting on behalf of the Secretary of State. The evidence must show that the applicant has committed an act of seriously violent behaviour before making a decision to suspend or discontinue support. The act does not necessarily have to have been committed at the authorised address.

For persons under section 98 support, support may be discontinued where an individual (and any dependants) are not complying with the conditions of their support as set out in the section 98 grant letter.

For those supported under section 4(2), paragraph 6(2)(a) of the 2005 Regulations allows support to be discontinued if the person is not complying with specified standards of behaviour, including antisocial behaviour, set out in their Occupancy Agreement or otherwise notified to them. The burden of proof to establish that the supported person is not complying with the specified standards is on the Secretary of State, and therefore the Compliance Officer acting on behalf of the Secretary of State.

Related content Contents

Further applications for support following a suspension or discontinuation of support

When dealing with new applications for section 95 support where this support has previously been discontinued or suspended under the Asylum Support Regulations 2000 and there has been no material change of circumstances, caseworkers should note that regulation 21 of the Regulations provides that the new application need only be entertained if there are exceptional circumstances. A material change of circumstances is one that would have to be notified under regulation 15.

Further application following a dismissed appeal

Section 103(6) of the Immigration and Asylum Act 1999 Act provides:

"If an appeal is dismissed, no further application by the appellant for support under Section 95 is to be entertained unless the Secretary of State is satisfied that there has been a material change in the circumstances."

Therefore, a new application for section 95 support from a person whose appeal against a decision to suspend or discontinue support has been dismissed, may not be entertained unless there has been a material change in the circumstances.

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Investigating incidents of antisocial behaviour

Prevention

All supported persons living in asylum support dispersal accommodation are provided with a copy of or access to 'A Home Office Guide to: Living in Asylum Accommodation'. This document details a standard of behaviour that all supported persons are expected to abide by. All individuals are given an Occupancy Agreement by their accommodation provider which includes information and rules and standards of behaviour.

Supported persons living in asylum support accommodation are expected to act in a reasonable manner towards both those with whom they share their accommodation and any other facilities, as well as towards staff and the wider community. Supported persons must not act in an anti-social or violent manner, which can include, but is not limited to the following:

- being verbally / physically threatening or assaulting others
- anti-social behaviour
- public harassment
- domestic violence
- child protection issues

Responding to a report of antisocial behaviour

Investigations into antisocial behaviour, public harassment, domestic violence, and child protection issues should be conducted only by a trained Compliance Officer.

Where a supported person has committed an act of seriously violent behaviour either at their accommodation or elsewhere, the matter should be opened for investigation, initially by the accommodation provider.

Accommodation providers have policies and procedures in place for managing complaints and instances of anti-social behaviour and follow these to comply with their contract with the Home Office. Accommodation providers are expected to manage individual behaviour and have warning processes in place.

Part of their procedures may be to issue verbal and written warnings for minor matters, but serious incidents where further sanctions may be needed should be referred for investigation.

Accommodation providers are required to report all serious or persistent incidents of anti-social behaviour to the Home Office and provide details of how they have managed the incident.

If escalated to the Home Office, investigations into these issues should only be conducted by a trained Compliance Officer.

When cases are referred to the Home Office and when investigating accusations of anti-social behaviour or violent behaviour Compliance Officers should:

- check for any previous allegations or incidents
- obtain relevant information from the accommodation provider
- obtain copies / evidence of previous warnings (verbal or written)
- consider requesting Police National Computer checks
- consider interviewing individuals involved where there is ambiguity surrounding the incident
- evidence findings and outcomes (warning letters, moving victims etc.) based on all available evidence in a written report
- ensure that alleged victims and perpetrators are kept informed as the investigation process takes place and of any final outcomes

Potential outcomes

Possible outcomes to investigations into anti-social behaviour include:

Closed with no further action

This is a rare outcome as an antisocial behaviour case would be opened only if the incident was seriously violent or that the behaviour has been persistent. Examples where a case would be closed with no further action would be where they are no longer entitled to support, due to a change in their status or they have voluntarily withdrawn from support.

Warning letter given

A warning letter would be the lowest level of action on an anti-social behaviour case, this would be appropriate for behaviour which is not of a serious nature but that has been persistent, even after action taken by the Accommodation Provider.

Relocation of perpetrator or victim (and dependants)

Compliance Officers should consider, dependent on the anti-social behaviour, whether a supported person who is the alleged perpetrator should be relocated to single or shared accommodation. Although single accommodation can be seen as rewarding bad behaviour, it may be the best option to try and manage the applicant's behaviour as well as reduce the impact on others and potential for re-offending.

However, it can be in the interests of victims to be moved instead of perpetrators to ensure perpetrators are not able to easily locate victims following previous anti-social behaviour or violent behaviour incidents.

Compliance officers should endeavour to establish the facts of the alleged anti-social behaviour based on all evidence provided. However, it is recognised that even if a

thorough investigation takes place, it may not be possible to establish with certainty a victim or perpetrator. Allegations and counter-allegations may make this difficult to ascertain. However, where the only resolution is to move one of the individuals to alternative accommodation the presumption is that it will be the perpetrator who is moved, in instances where that has been established. However, as above it may be in the interests of the victim to be relocated and their preference should be considered. Availability of appropriate accommodation for either alleged victims or perpetrators will need to be considered.

Withdrawal of support

Should an investigation result in a clearly identified breach of conditions by the alleged perpetrator which is serious in nature (for example, violent behaviour) then withdrawal of support from the perpetrator may be considered. However, this must be considered in line with the policy on Discontinuation of support and must be proportionate to the nature of the anti-social behaviour identified.

Should either alleged victims or alleged perpetrators of anti-social behaviour be dissatisfied with the outcome of an investigation then they may raise this with their service provider through the existing complaints processes. Service providers are required to visibly provide information on complaints procedures in accommodation to be compliant with their contract with the Home Office.

Victim support

Throughout the process of responding to and investigating reports of anti-social behaviour both accommodation providers and the Home Office must maintain a victim orientated approach.

Potential victims of anti-social behaviour (especially where that behaviour is threatening or violent) should be advised how to contact support services. This can include (but is not limited to) advising victims on how to contact or, with their permission, be referred to Victim Support's services, (https://www.victimsupport.org.uk/), or their general practitioner. Victim Support and GPs can then provide information on more specific and appropriate support groups where necessary.

Home Office regional staff, accommodation providers and Migrant Help services must offer support to victims of anti-social behaviour.

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Racist incidents

Background

The Home Office is committed to preventing racist incidents from occurring and supporting victims. The Home Office also recognises that supported persons are unlikely to report racist incidents unless they believe that the Home Office is tackling racist behaviour effectively and is committed to using its powers and resources to do so.

The Stephen Lawrence Report published in February 1999 included 70 recommendations which helped to shape this policy.

Prevention

Supported persons should receive information about how to deal with racial harassment and racist incidents.

Accommodation providers' obligations in supporting Home Office anti-racism policy

Accommodation providers must have a policy on and procedure for dealing with harassment agreed by the Home Office.

Details of this policy and procedure must be made available in individual properties.

Accommodation providers' occupancy agreements place an obligation on residents not to commit acts of racial harassment or anti-social behaviour. Accommodation providers must bring these obligations to the attention of each resident, alongside other important parts of the agreement, when they let the accommodation.

Accommodation providers must consult with the Home Office should a particular property or cluster of properties in the same area become unsuitable for housing supported persons, as a result of safety and community cohesion concerns.

Recording reports of racist incidents

Accommodation providers must keep a record of all reported racist incidents and conduct investigations accordingly.

The purposes of recording incidents are to:

- ensure that victims and witnesses can be offered support
- monitor racist incidents at the local and national level
- gather intelligence that can be used to plan prevention measures and to focus resources

Accommodation providers must arrange for an interpreter to assist a resident in reporting a racist incident, if required, Migrant Help may assist with this.

Responding to reports of racist incidents

Accommodation provider and Home Office staff that have contact with victims or witnesses reporting a racist incident should respond in a sensitive way.

Victims must be advised how to contact, or with their permission be referred to, Victim Support's services, a community organisation, or their general practitioner. There may be other more specialist services available about which the recipient of the report can supply information. Further details on Victim Support's services may be obtained at https://www.victimsupport.org.uk/.

Home Office staff, accommodation providers and Migrant Help services must offer support and protection to witnesses of racist incidents.

Where Home Office staff are the direct recipient of a report of a racist incident, and the full report is not passed to the police, staff must ensure that the person making the report is provided with regular updates on the progress of the case, and final outcomes of the incident.

Where a potential victim of a racist incident has been identified, this may need to be investigated in line with the guidance on anti-social behaviour.

Adequacy of asylum-supported accommodation (including sub-contracted and emergency accommodation)

The accommodation provider, with the agreement of the Home Office, must arrange safe temporary housing for a victim of a racist incident when they have grounds for concern for the victim's immediate safety if they remain at the same address.

In such circumstances, the accommodation provider should relocate the victims (and dependants) immediately and should notify the Home Office at the earliest opportunity, and in any case no more than one working day after the relocation has taken place.

In certain instances, moves may need to be permanent, where there is no possibility of safe return to the accommodation, or should police support a permanent transfer.

Where no safe temporary housing or permanent transfer can be arranged, admittance to emergency accommodation must be arranged by the Home Office until such time as safe permanent accommodation can be secured. Priority must be given to finding suitable alternative dispersal accommodation for the victim and any dependants. Emergency accommodation should be provided in the region where the supported person is living, except where this would not relieve grounds for concern for the victim's safety, or it is not possible to do so as no suitable accommodation is available.

Adequacy of private accommodation for asylum-supported persons

If a supported person who is receiving subsistence-only support applies for accommodation support from the Home Office on the grounds that their accommodation has become unsuitable on account of racial harassment caseworkers must review all and any evidence. If they are satisfied that there is no possibility of the victim's safe return to their accommodation, or where the incident has been reported to the police and the police support the relocation of the victim, the caseworker should agree that the accommodation has become unsuitable.

Such applications must be considered urgently by the Home Office in order to protect the safety of the applicant. The applicant may be admitted to emergency accommodation while the application is being considered, should this be deemed necessary.

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Overpayment of asylum support

This section deals with possible overpayments of asylum support and the actions to take. It also deals with situations where a supported person may be due a back payment.

Situations where a supported person may claim a back-payment of asylum support

Applications for backdated support usually occur:

- where the supported person was not responsible for the non-payment of support
- where the supported person's actions or inactions may have contributed to the non-payment of support

The overriding principle when dealing with back payments is one of fairness, both in terms of operating the system and in terms of transparency in applying the system requirements.

Evidence required

Back payments to supported persons should only be issued when the caseworker is satisfied that the missing payments are the fault of the Home Office. In the event of doubt, any decision should be agreed by a Senior Caseworker.

Home Office at fault

If it is clear that the fault is with the Home Office, decision makers must calculate the value of the payment and ensure that this reaches the applicant via their ASPEN card. Caseworkers will need to reassess the applicants support and the payment as a payment element as shown in the Asylum support guidance Exceptions to this would be where the person now has status in the UK or has left the country.

Circumstances beyond the supported person's control

Each case should be assessed on its merits including exceptional circumstances deemed to be beyond the supported person's control. These are likely to include events which are beyond the supported person's control or where under the circumstances, it would have been unreasonable to expect the supported person to have reported. As a guide, a sudden bereavement of a close family member or attendance at a family funeral would be a reasonable excuse, however visiting family or friends would not.

Calculating the required amount of back-dated support

When it is decided that a back payment of support should be made, the missing payment should be calculated. Caseworkers should assess the level of support to which the applicant was originally entitled from the beginning of the relevant period to the current date. This amount includes any change of circumstances that should have been taken into account, such as the birth of a baby.

Back Payments should be made using Atlas. See the Asylum support for guidance on how to process back payments and further guidance on when a back payment should be made.

Back payment of Section 95 support

Applications for backdated support usually fall into one of 2 categories (see Overpayment of Asylum support).

Caseworkers should bear in mind, when dealing with back-payments, that the overriding principle is one of fairness, both in terms of the operation of the system and in terms of how the system is seen to operate.

Overpayment claw-back

Caseworker must review all cases where it comes to light that a supported person has been provided with a larger amount of support than they are entitled to. In this situation, caseworkers should seek to recover the relevant overpayment by reducing the weekly amount of support until such time as the overpayment has been rectified.

Overpayment notification

If a supported person receives an overpayment notification, they should not generally have to pay the whole amount back at once, especially if the excess payment they received has been spent in good faith. The person should be informed that they have received an overpayment and have the opportunity to make representations before any reductions in their weekly support begin. Unless there are exceptional circumstances the normal rates of reduction are:

- 15% for the payment provided to each adult in the household
- 5% for the payment for each child aged under 16 in the household

Caseworkers will need to review overpayment requirements upon notification that the supported persons circumstances have changed.

Misrepresentation of need for asylum support

Where an overpayment was caused by a breach of support conditions, action must be taken in all cases. If the overpayment was caused by a misrepresentation or failure to disclose a material fact the person may have committed an offence under

the Fraud Act (Sections 1, 2 and 3) and consideration may be given to pursuing a prosecution.

Where overpayment has resulted from a breach of support conditions, consideration may also be given as to whether any action should be taken regarding withdrawal of support. However, this must be considered on a case by case basis, and in line with guidance on discontinuation of support.

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