

# POLICY BULLETIN 11

## MIXED HOUSEHOLDS

### HOW TO DEAL WITH APPLICATIONS WHEN PART OF THE HOUSEHOLD IS IN RECEIPT OF SOCIAL SECURITY OR LOCAL AUTHORITY SUPPORT

#### GENERAL

1. This document gives guidance on how to deal with applications made by asylum seekers from "mixed households", i.e. households that contain persons who are already in receipt of social security or other support.
2. As a general rule applicants should access other support if it is available. This will result in either refusal of support or, exclusion, depending on the particular circumstances of the case (subject to consideration of available accommodation).

#### SUMMARY

#### NON-ASYLUM SEEKER SOCIAL SECURITY MIXED HOUSEHOLD

**Non-asylum seeker (A) in receipt of social security benefits and asylum seeker (B) is spouse (or partner if they are living together as man and wife).**

3. (A) cannot increase his social security allowances to provide support for (B).
4. The UK Border Agency take into account the social security benefit. The UK Border Agency may provide a top up of subsistence payments (up to the UK Border Agency rate).
5. If (A) has a priority need in his own right (e.g. he has dependant children) and the local authority consider he is homeless, the authority would have a duty to secure accommodation for him and his whole household (i.e. (A) and (B)). However in assessing whether he is homeless, the authority cannot take account of (B) (e.g. in assessing if the household are living in overcrowded conditions), unless they arrived before 3 April 2000.
6. If (A) is not owed a duty to secure accommodation under the homelessness legislation, and the household does not have adequate accommodation it is open to them to seek accommodation themselves in the private rented sector. Housing benefit and council tax benefit are available to support those costs of accommodation, subject to normal DWP rules. The local housing authority will have a duty to provide advice and assistance if the household has been assessed as homeless but not in priority need.

7. If the accommodation is not adequate and the household have not been able to obtain alternative accommodation despite taking reasonable steps, then the UK Border Agency may provide accommodation.

**When it is not reasonable to expect a person to access social security benefits through their spouse/partner's Income Support claim.**

8. If an asylum seeker claims that they are estranged from their partner and do not want to access support via his/her social security benefits then this may be accepted on face value provided that they are not intending to continue to live with their partner. If eligible the woman should be offered subsistence payments and accommodation which are sufficient for her own essential living needs only (i.e. the spouse should not be supported). Case-workers may write to the relevant Jobcentre Plus / social security office advising them of our decision (copied to the applicant).

**NON-ASYLUM SEEKER SOCIAL SECURITY MIXED HOUSEHOLD  
SPOUSE / PARTNER IS IN RECEIPT OF "JOBSEEKER'S ALLOWANCE OR  
INCOME SUPPORT"**

9. Persons who have been recognised as refugees, granted exceptional leave or who are British Citizens are entitled to Jobseeker's Allowance or Income Support. If the spouse or partner of such a person applies for support (they may also include their spouse) then caseworkers should consider the case in the normal way. This is because persons in receipt of Jobseeker's Allowance or Income Support do not receive an increased allowance if they are joined by an asylum seeker spouse and/or children, although housing benefit is available where there is a qualifying tenancy.
10. The level of Jobseeker's Allowance or Income Support which the spouse or partner is receiving should be taken into account when calculating the level of support.
11. When an asylum seeker is eligible for support from the UK Border Agency and their spouse or partner (i.e. person they have been living with for two out of the previous three years) is in receipt of Jobseeker's Allowance or Income Support and has their own accommodation and has a rent liability and utility costs to meet, the UK Border Agency will provide a top up of cash support to the UK Border Agency eligible person so that the couple will have 95% of the income-based Jobseeker's Allowance or Income Support couple rate, (but disregard any other payments the person receiving income based Jobseeker's Allowance or Income Support may receive, e.g. disability payments etc; as these payments are designed to meet the specific needs of the person receiving income-based Jobseeker's Allowance or Income Support) that they would have received, were the couple both eligible for income-based Jobseeker's Allowance or Income Support as non-asylum seekers. This top up reflects the fact that the status of the asylum seeker is temporary. It also enables the couple/family to meet utility costs from their pooled allowances and thus where they have existing adequate

accommodation, will normally enable the couple/family to remain living together in their existing accommodation.

12. Case-workers will need to ensure that calculations are made using figures for income-based Jobseeker's Allowance or Income Support allowances which are up to date for the relevant periods.
13. In cases where the spouse or partner does not have a rent liability and does not need to contribute to utility costs of accommodation (for example this may occur when the person is living with a friend or relative), the UK Border Agency top up will be to 85% of the income-based JSA or Income Support couple rate. In other words the level of support should be assessed by calculating the amount of support each member would receive as part of a couple under their respective support systems and allocating them a half of each couple rate.
14. In cases where the spouse or partner do not have a rent liability and the couple/family assert that they are required to contribute to utility costs of accommodation (for example the host may be unemployed and relying on benefits), the UK Border Agency should offer a top up to 85% of the income-based JSA or Income Support couple rate. Alternatively, if the couple assert that this does not allow them sufficient funds to pay a contribution towards utility costs, the couple/family should be offered dispersal accommodation. It is also open to the couple to remain in receipt of cash support at this lower rate until they have found alternative accommodation (see paragraphs and below) and where the spouse/partner has a rent liability- the UK Border Agency will then be able to review the level of support in line with paragraph 35 above.
15. If the spouse or partner who is not eligible for UK Border Agency support has income levels (less any additional benefit payments) which exceed the threshold levels for couples, (see Policy Bulletin 4) enquiries should be made into his household expenditures. When there is evidence that the expenditure is essential, e.g. electricity and gas or a legal debt that arose before his wife joined him, consideration should be given to discounting part or all of the expenditure. He/she would need to show that his household bills have risen as a result of his spouse or partner joining him and the UK Border Agency should consider discounting the difference. Once a legal debt has been repaid, caseworkers must reassess the case.
16. UK Border Agency case-workers should provide applicants with a letter setting out their decision and any calculation in writing.
17. If an asylum seeker claims that they are estranged from their partner, and does not want to live with the person, then we may provide dispersed accommodation. The partner's income-based JSA or Income Support may be ignored in these circumstances.
18. If the applicant claims that their accommodation is not adequate (for example because it is overcrowded due to the arrival of the spouse) then it is not unreasonable to expect the household to find alternative accommodation in the

private rented sector accommodation, the cost of which would be met by Housing Benefit (within local reference rent limits).

19. In addition, if the husband had children already with him then they will have a "priority need" and it would not be unreasonable to expect him to approach the local authority who would be able to provide adequate accommodation under the homelessness legislation (a priority need is not conferred if the wife arrived with the children after 3 April 2000). However, if the only reason, that it was unreasonable to occupy the accommodation, was the arrival of the spouse, then the local authority would be unlikely to determine that the household is homeless. It may be necessary in some cases to obtain further information about the person's available accommodation.
20. If the household is accepted as homeless but not in priority need under the homelessness legislation, the local authority would have a duty to provide advice and assistance in any efforts they made to find themselves accommodation in the private rented sector.
21. If an applicant claims that their accommodation is not adequate, for example because it is overcrowded and they did not already have a priority need, and they have not been able to obtain alternative accommodation, then caseworkers should determine whether the accommodation is adequate as defined by Regulation 8 of the Asylum Support regulations 2000 .
22. If it is determined that the accommodation is not adequate, and the household have not been able to obtain alternative accommodation and they have taken reasonable steps to find alternative accommodation then the UK Border Agency may provide the accommodation.
23. If the applicant has been staying in emergency accommodation and has been refused support under section 95, then the person is no longer entitled to support provided by grant funded voluntary sector organisations. This is because it is in breach of the terms of the grant agreements under which voluntary organisations provide temporary support.
24. It is for the applicant's spouse or partner to apply to the local authority for assistance. Caseworkers should not contact local authorities on behalf of the applicant.

## DOCUMENT CONTROL

### Change Record

Version	Authors	Date	Change Reference
2.0	BF	25/11/08	Update branding only