

POLICY BULLETIN 73

PROVISION OF INITIAL ACCOMMODATION

1 Scope

1.1 To give guidance to UK Border Agency staff and voluntary sector agencies on the conditions under which initial accommodation may be provided to asylum seekers and their dependants.

1.2 This document supersedes Policy Bulletin 73, version 1.0.

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

2.1 Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency 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 UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency 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.

3 Principles

3.1 The provision of initial accommodation is a temporary arrangement for asylum seekers who would otherwise be destitute and

- are supported under section 98 of the Immigration and Asylum Act 1999 and awaiting a decision from the Secretary of State on whether he may provide asylum support under section 95 of that act; or

- are supported under section 95 and are awaiting transportation to their dispersal accommodation.

3.2 Asylum seekers requiring accommodation and wishing to apply for support from the UK Border Agency may be referred to an induction centre by the Local Enforcement Office or an Asylum Screening Unit.

3.3 The UK Border Agency and voluntary sector agencies are committed to reducing the length of time asylum seekers spend in initial accommodation by ensuring the prompt assessment of applications for asylum support and promoting co-operation with dispersal arrangements, respectively.

4 Provision of initial accommodation under section 98

4.1 A voluntary sector agency may admit an asylum seeker (and any dependants) to initial accommodation if s/he wishes to apply for asylum support from the UK Border Agency and presents

- a valid “IS 96” temporary admission form date-stamped by an Immigration Officer and bearing an “applied for asylum on arrival” endorsement; or
- a valid NEAT01 letter issued on behalf of the Eligibility and Assessment Team (NEAT) authorising access to initial accommodation.

4.2 Once an asylum seeker has been admitted to initial accommodation, the voluntary sector agency must ensure that a completed Asylum Support application form is submitted to the UK Border Agency on behalf of the asylum seeker within two working days.

4.3 Where an asylum seeker is unable to present the documentation in 4.1 above, authorisation from the UK Border Agency must be obtained before initial accommodation can be provided. The voluntary sector agency must seek authorisation from the designated UK Border Agency official on behalf of the asylum seeker. (Contact details for designated UK Border Agency officials will be supplied separately.)

4.4 The designated UK Border Agency official will respond to a request from the voluntary sector agency to admit an asylum seeker to initial accommodation before the end of the working day on which the application is received. A refusal by the UK Border Agency to grant access to initial accommodation will outline the reasons for the applicant’s ineligibility.

4.5 Out of normal office hours (17.30 to 09.00, and weekends and public holidays) admission to initial accommodation until the next working day only may be authorised by the UK Border Agency regional manager or duty officer for an individual whose claim for asylum has not yet been recorded, providing that s/he falls within one of the categories of particularly vulnerable applicants

listed below. The asylum seeker must then attend an Asylum Screening Unit on the next working day to have his/her claim recorded.

Those applicants regarded to be particularly vulnerable are

- families with a dependent child or children aged under 18 years;
- visibly pregnant women, or women able to prove that they are pregnant; (A 'MAT B1' form, other medical documentation or appropriate letter from a doctor will be accepted as proof of pregnancy.)
- asylum seekers who are disabled but are not considered to have clear and urgent care needs (see Policy Bulletin 82);
- asylum seekers whose individual needs appear to require special consideration.

4.6 The UK Border Agency will authorise admission to initial accommodation in order to satisfy a bail condition for an asylum seeker who is currently held in police custody or a detention centre and is eligible for support from the UK Border Agency. In such circumstances the individual's representative should request accommodation from a voluntary sector agency. Authorisation from the UK Border Agency must then be obtained before initial accommodation can be provided, in accordance with 4.3 and 4.4 above.

5 Ending provision of initial accommodation under section 98

5.1 The provision of initial accommodation to an asylum seeker who is supported under section 98 must end as soon as is reasonable following notification of a decision by the Secretary of State that support cannot be provided under section 95. Ordinarily this will be on the next working day. However, in exceptional circumstances or where there are practical difficulties associated with evicting someone on the next working day, the termination of temporary support may be deferred but for no longer than seven calendar days following the Secretary of State's decision.

5.2 The provision of initial accommodation to an asylum seeker awaiting a decision under section 55 of the Nationality, Immigration and Asylum Act 2002 shall end on the working day following a decision by the Secretary of State under section 55 that asylum support cannot be provided. Where there are practical difficulties associated with evicting someone on the next working day, the termination of temporary support may be deferred but for no longer than seven calendar days following receipt of the Secretary of State's decision.

5.3 The provision of initial accommodation to an asylum seeker who is supported under section 98 and whose claim for asylum has been determined shall end at the following time.

- If granted leave to enter or remain by the Secretary of State, 28 days after receipt by the asylum seeker of that decision (subject to section 94(9) of the Immigration and Asylum Act 1999);
- If granted leave to enter or remain following an appeal, 28 days after the day on which the appeal is decided.

5.4 The provision of initial accommodation to an asylum seeker without dependants who is supported under section 98 and whose claim for asylum has been determined shall end at the following time.

- If refused leave to enter or remain by the Secretary of State, 21 days after receipt by the asylum seeker of that decision (subject to section 94(9) of the Immigration and Asylum Act 1999); or
- In the case of an unsuccessful appeal, 21 days after the appeal is disposed of.

5.5 Asylum support shall continue for an asylum seeker with a dependant aged under 18 years following a decision by the Secretary of State to refuse leave to enter or remain, or the individual's unsuccessful appeal against this decision, but may be withdrawn

- no later than 7 days after his/her youngest dependant reaches 18 years of age; or
- 14 days after receipt by the asylum seeker of a certificate made under section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

6 Provision of initial accommodation under section 95

6.1 An asylum seeker who has been supported by the UK Border Agency under section 95 in initial, dispersal or private accommodation, or is currently supported under section 95, may only be admitted to initial accommodation with authorisation from the designated UK Border Agency official. Voluntary sector agencies seeking authorisation to admit an asylum seeker to initial accommodation should follow the procedure set out in 4.3 and 4.4 above.

6.2 An asylum seeker in receipt of subsistence-only support from the UK Border Agency who submits a change of circumstances notification to the UK Border Agency and applies for accommodation and subsistence, may be admitted to initial accommodation while this application is considered if it appears to the designated UK Border Agency official that s/he does not have adequate accommodation or the means of obtaining it.

6.3 An asylum seeker previously supported by the UK Border Agency may be admitted to initial accommodation if s/he has been released from hospital, police custody or a detention centre and his/her previous accommodation is no longer available and s/he remains otherwise eligible to receive support from the UK Border Agency.

6.4 An asylum seeker receiving support from the UK Border Agency may in exceptional circumstances be admitted to initial accommodation in the region in which s/he has been living if his/her present accommodation is no longer adequate as a result of

- domestic violence; (see Policy Bulletin 70)
- a racist incident or racial harassment; (see Policy Bulletin 81)
- a serious incident; or
- a significant property defect.

In such cases, admission to initial accommodation must be authorised beforehand by the designated UK Border Agency official on a recommendation from regional staff. If the asylum seeker is currently residing in dispersal accommodation, then admission to initial accommodation should only be authorised where the accommodation provider and regional staff cannot arrange safe temporary housing or a permanent transfer. Initial accommodation should only be provided in another region if this is necessary to ensure the asylum seeker's safety, or if initial accommodation is not available locally.

6.5 An asylum seeker resident in dispersal accommodation may not be admitted to initial accommodation if the designated UK Border Agency official considers his/her current accommodation to be adequate. The asylum seeker should be advised by the voluntary sector agency to return to his/her dispersal accommodation.

6.6 An asylum seeker whose support from the UK Border Agency was terminated under regulation 20 of the Asylum Support Regulations 2000, should not be provided with initial accommodation unless the Secretary of State has decided to entertain a subsequent application for asylum support. For further guidance on the entertaining of further applications for support, see Policy Bulletin 84.

7 Ending provision of initial accommodation under section 95

7.1 The provision of initial accommodation to an asylum seeker who is supported under section 95 shall end on the day on which the asylum seeker travels to dispersal accommodation. For guidance on access to initial accommodation for an asylum seeker who fails to travel to dispersal accommodation, see Policy Bulletin 17.

7.2 The provision of initial accommodation to an asylum seeker who is supported under section 95 and who the Secretary of State has adjudged to have breached a condition of this support, shall end following notification of the Secretary of State's decision and the issue of a notice to quit by the accommodation provider. This notice to quit should allow a period of not less than seven calendar days for the asylum seeker to vacate the accommodation, except in exceptional circumstances where a shorter period of notice may be appropriate. There would normally need to be exceptional

circumstances to necessitate a notice to quit allowing a period greater than seven calendar days for the asylum seeker to vacate the accommodation.

7.3 The provision of initial accommodation to an asylum seeker who is supported under section 95 and whose claim for asylum has been determined shall end 7 days following the issue of a notice to quit, or at the end of the relevant period set out in 5.3 or 5.4 above, whichever is the latest.

7.4 Asylum support shall continue for an asylum seeker with a dependant aged under 18 years following a decision by the Secretary of State to refuse leave to enter or remain, or the individual's unsuccessful appeal against this decision, but may be withdrawn

- no later than 7 days following his/her youngest dependant reaching 18 years of age; or
- 14 days following receipt by the asylum seeker of a certificate made under section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

Document Control

Change Record

Version	Authors	Date	Change Reference
4.0	BF	14/11/08	Update branding and references to Emergency Accommodation
5.0	SM	05/10/09	Children's Duty paragraph added.