

## EXPLANATORY MEMORANDUM TO

### THE ASYLUM SUPPORT (AMENDMENT) REGULATIONS 2018

2018 No. 30

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home office and is laid before Parliament by Command of Her Majesty.

#### 2. Purpose of the instrument

- 2.1 To raise the amount of the cash allowance that asylum seekers and their dependants, supported under section 95 of the Immigration and Asylum Act 1999, should as a general rule receive from £36.95 to £37.75 per week.
- 2.2 The statutory instrument amends regulation 10 of the Asylum Support Regulations 2000 (SI 704/2000), which sets out that as a general rule the weekly payment is £36.95.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

#### 4. Legislative Context

- 4.1 The Home Office provides support to asylum seekers and their dependants who would otherwise be destitute under the powers set out in section 95 of the Immigration and Asylum Act 1999. Support is usually provided in the form of furnished accommodation (rent and utilities free), plus a weekly cash allowance to enable the persons to meet other “essential living needs”. As of 30 September 2017, 36,510 people were receiving this form of support.
- 4.2 A further 2,904 people were receiving the cash allowance only because they have secured accommodation through their own efforts, generally from friends or relatives.
- 4.3 The Asylum Support Regulations 2000 make provision (in regulation 10) for the level of cash support that should as “a general rule” be provided to a supported person (an asylum seeker and each of their dependants). The phrase “as a general rule” reflects the fact that a minority of supported people do not receive the full weekly allowance. This is usually because they are receiving support in full-board accommodation, where some of their needs are provided in kind. Additionally, some receive higher weekly cash amounts because they have additional needs above and beyond the average supported person. These cases are assessed on an individual basis under criteria set out in policy.

4.4 The level of the cash allowance is generally reviewed annually and any changes implemented through an amendment to regulation 10 of the Asylum Support Regulations 2000.

## 5. Extent and Territorial Application

5.1 The extent of this instrument is the United Kingdom.

5.2 The territorial application of this instrument is the whole of the United Kingdom.

## 6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

### *What is being done and why*

#### *Cash Allowance*

7.1 The annual review of the weekly cash allowance uses a methodology developed in 2014. The general approach is to identify all needs that are essential and which are not covered by other arrangements and assess the amount of money the average person needs to meet each of those needs. These needs include food, clothing, toiletries, non-prescription medication and household cleaning items. Provision is also made to cover the costs of travel and communication to enable the supported persons to maintain interpersonal relationships and access a reasonable level of social, cultural and religious life.

7.2 The assessment of the costs of meeting these needs takes into account various sources of information, including market research on the actual cost of items and data published by the Office for National Statistics (ONS) relating to household expenditure by the lowest 10% income group among the UK population.

7.3 The full report setting out the conclusions of the 2016 review and explaining the review methodology in full was published in March 2017. This is available at <https://www.gov.uk/government/publications/report-on-review-of-cash-allowance-paid-to-asylum-seekers>. The 2017 review used the same methodology, but concluded that the weekly allowance should rise to £37.75 (up from £36.95), mainly due to the rise in inflation since the ONS data used was collected and other cost increases since the last review was conducted. The report issued in 2017 is being updated to set out the latest detailed analysis of the assessment of the cost of meeting each of the needs identified as essential.

7.4 The impact of the rise in the cash allowance depends on the size of the asylum seeker's household w and is illustrated in the table below.

|                        | <b>Single person</b> | <b>Single Parent +1 Child</b> | <b>Single Parent +2 Children</b> | <b>Couple + 1 child</b> | <b>Couple + 2 children</b> |
|------------------------|----------------------|-------------------------------|----------------------------------|-------------------------|----------------------------|
| <b>Current payment</b> | £36.95               | £73.90                        | £110.85                          | £110.85                 | £147.80                    |
| <b>New Payment</b>     | £37.75               | £75.50                        | £113.25                          | £113.25                 | £151.00                    |

- 7.5 In undertaking the review, full consideration has been given to the duty to have regard to the need to safeguard and promote the welfare of children. The rise in the level of the cash allowance will ensure that sufficient funds continue to be available to enable parents to care for their children safely and effectively and provide for their health and development.
- 7.6 The additional support available to families with very young children (£5 per week for children aged under 1 and £3 for children aged between 1 and 3), provided for in regulation 10A of the Regulations, will remain in place. Similarly, pregnant women will continue to receive an extra £3 per week.
- 7.7 Those who can show they have additional needs over and beyond the average person because of their individual circumstances will continue to be able to apply for additional cash support.

#### ***Communications strategy***

- 7.8 All supported persons will receive notification that their cash payments will rise. The report setting out the detailed analysis of why the payments are being raised will be sent to asylum support sub-group of the National Asylum Stakeholder Forum. This group represents the main voluntary sector groups that have an interest in the support provided to asylum seekers.

#### ***Consolidation***

- 7.9 We are changing the payment rates in regulation 10(2) of the Asylum Support Regulations 2000, rather than amending policy or procedure substantively so we consider that there is no need for consolidation text.

### **8. Consultation outcome**

- 8.1 The review of the support rates invited submissions from members of the National Asylum Stakeholder Forum. Three submissions were received and considered when undertaking the review.

### **9. Guidance**

- 9.1 No separate guidance is necessary for the uplift to the cash allowance.

### **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

### **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

### **12. Monitoring & review**

- 12.1 The level of the cash allowance is reviewed regularly by the Home Office. There will be a further review later in 2018.

### **13. Contact**

- 13.1 Simon Bentley at the Home Office, Telephone: 0208 760 8668 or email: Simon.Bentley3@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.