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STATUTORY INSTRUMENTS

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**2000 No. 704**

**The Asylum Support Regulations 2000**

*General*

**Citation and commencement**

1. These Regulations may be cited as the Asylum Support Regulations 2000 and shall come into force on 3rd April 2000.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Immigration and Asylum Act 1999;

“asylum support” means support provided under section 95 of the Act;

“dependant” has the meaning given by paragraphs (4) and (5);

“the interim Regulations” means the Asylum Support (Interim Provisions) Regulations 1999(1);

“married couple” means a man and woman who are married to each other and are members of the same household; and

“unmarried couple” means a man and woman who, though not married to each other, are living together as if married.

(2) The period of 14 days is prescribed for the purposes of section 94(3) of the Act (day on which a claim for asylum is determined).

(3) Paragraph (2) does not apply in relation to a case to which the interim Regulations apply (for which case, provision corresponding to paragraph (2) is made by regulation 2(6) of those Regulations).

(4) In these Regulations “dependant”, in relation to an asylum-seeker, a supported person or an applicant for asylum support, means, subject to paragraph (5), a person in the United Kingdom (“the relevant person”) who—

(a) is his spouse;

(b) is a child of his or of his spouse, is dependant on him and is, or was at the relevant time, under 18;

(c) is a member of his or his spouse’s close family and is, or was at the relevant time, under 18;

(d) had been living as part of his household—

(i) for at least six of the twelve months before the relevant time, or

(ii) since birth,

and is, or was at the relevant time, under 18;

- (e) is in need of care and attention from him or a member of his household by reason of a disability and would fall within sub-paragraph (c) or (d) but for the fact that he is not, and was not at the relevant time, under 18;
- (f) had been living with him as a member of an unmarried couple for at least two of the three years before the relevant time;
- (g) is living as part of his household and was, immediately before 6th December 1999 (the date when the interim Regulations came into force), receiving assistance from a local authority under section 17 of the Children Act 1989<sup>(2)</sup>;
- (h) is living as part of his household and was, immediately before the coming into force of these Regulations, receiving assistance from a local authority under—
  - (i) section 22 of the Children (Scotland) Act 1995<sup>(3)</sup>; or
  - (ii) Article 18 of the Children (Northern Ireland) Order 1995<sup>(4)</sup>; or
- (i) has made a claim for leave to enter or remain in the United Kingdom, or for variation of any such leave, which is being considered on the basis that he is dependant on the asylum-seeker;

and in relation to a supported person, or an applicant for asylum support, who is himself a dependant of an asylum-seeker, also includes the asylum-seeker if in the United Kingdom.

(5) Where a supported person or applicant for asylum support is himself a dependant of an asylum-seeker, a person who would otherwise be a dependant of the supported person, or of the applicant, for the purposes of these Regulations is not such a dependant unless he is also a dependant of the asylum-seeker or is the asylum-seeker.

- (6) In paragraph (4), “the relevant time”, in relation to the relevant person, means—
- (a) the time when an application for asylum support for him was made in accordance with regulation 3(3); or
  - (b) if he has joined a person who is already a supported person in the United Kingdom and sub-paragraph (a) does not apply, the time when he joined that person in the United Kingdom.

(7) Where a person, by falling within a particular category in relation to an asylum-seeker or supported person, is by virtue of this regulation a dependant of the asylum-seeker or supported person for the purposes of these Regulations, that category is also a prescribed category for the purposes of paragraph (c) of the definition of “dependant” in section 94(1) of the Act and, accordingly, the person is a dependant of the asylum-seeker or supported person for the purposes of Part VI of the Act.

(8) Paragraph (7) does not apply to a person who is already a dependant of the asylum-seeker or supported person for the purposes of Part VI of the Act because he falls within either of the categories mentioned in paragraphs (a) and (b) of the definition of “dependant” in section 94(1) of the Act.

(9) Paragraph (7) does not apply for the purposes of any reference to a “dependant” in Schedule 9 to the Act.

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(2) 1989 c. 41.

(3) 1995 c. 36.

(4) S.I. 1995/755 (N.I. 2).