

**EXPLANATORY MEMORANDUM TO THE
ASYLUM SUPPORT (AMENDMENT)(No. 2) REGULATIONS 2005**

2005 No. 738

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 On the 29th October 2001 the Home Secretary stated that he would increase the value of subsistence support provided to asylum seekers by the National Asylum Support Service in line with the increase in Income Support payments. This practice has continued, and the next rise is due on 11th April 2005. The Department for Work and Pensions (DWP) will introduce revised Income Support payment levels from that date to take account of increases in the cost of living. The National Asylum Support Service levels of support are at 70% of Income Support levels for adults and 100% for dependants aged under eighteen years.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 This Statutory Instrument is being made to effect an increase in the value of subsistence support to asylum seekers and their dependants who are supported by the National Asylum Support Service in line with the Department for Work and Pensions' increase in income support payments which comes into effect on 11th April 2005. As such, this Statutory Instrument amends the Asylum Support Regulations 2000 to reflect the change in the levels of subsistence support to asylum seekers and their dependants.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Not applicable.

7. Policy background

- 7.1 The Asylum Support Regulations 2000 which came into force on 3rd April 2000 make provision (in regulation 10) for subsistence support to be paid to destitute asylum seekers in respect of essential living needs whilst their application for asylum is outstanding.
- 7.2 On the 29th October 2001 the Home Secretary stated that he would increase the value of subsistence support provided to asylum seekers by the National Asylum Support Service in line with the increase in Income Support payments. This practice has continued and the next rise is due on April 11th 2005.
- 7.3 The uprating of the support levels continues to fulfil the Home Secretary's undertaking of 29th October 2001.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared because no material impact on the public, private or voluntary sector is foreseen.

9. Contact

David Ridgway at the National Asylum Support Service Tel. 020 8604 6849 can answer any queries regarding the instrument.

