

**EXPLANATORY MEMORANDUM TO
THE ASYLUM SUPPORT (AMENDMENT) REGULATIONS 2009**

2009 No. 485

AND

**THE ASYLUM SUPPORT (AMENDMENT)(REVOCATION)
REGULATIONS 2009**

2009 No. 641

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 The Asylum Support (Amendment) (Revocation) Regulations 2009 revoke The Asylum Support (Amendment) Regulations 2009 No. [485], which had been made and which it had been intended would be introduced to change asylum support rates.

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

3.1 It was intended to introduce changes to the asylum support rates on 6 April 2009. However, it will not be possible to introduce the changes on that date due to a need to consult further with other government departments. The Asylum Support (Amendment) Regulations 2009 No. [485], which had been made, will therefore be revoked by the Asylum Support (Amendment) (Revocation) Regulations 2009 which will come into force on 5 April 2009. The Asylum Support (Amendment) Regulations 2009 will therefore not be published. We will continue to consult with other government departments and lay changes to the asylum support rates in due course.

4. **Legislative Context**

4.1 The Asylum Support (Amendment) Regulations 2009 No. [485] would have set the annual rates of asylum support. Regulation 10 of the Asylum Support Regulations (SI 704/2000) stipulates the support which may be provided by the Home Office to supported asylum seekers and their dependants in respect of essential living needs (ie their subsistence support). Annual support rates are reviewed on an annual basis and, in line with the practice established in 2008, this increase is based on the Consumer Price Index for September.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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*

7.1 The Asylum Support Regulations 2000 which came into force on 3 April 2000 make provision (in regulation 10) for the amounts to be paid as a general rule, in respect of their essential living needs to destitute asylum seekers and their dependants. The practice is to use annual regulations to set the asylum support rates for the coming year.

7.2 It was intended to introduce changes to the asylum support rates on 6 April. However, it will not be possible to introduce the changes on that date due to the need to continue to consult with other government departments. The Asylum Support (Amendment) Regulations 2009 No. [485] are therefore revoked as described above and will not be published. We will consult with other government departments and lay changes to the asylum support rates in due course.

7.3 Previous practice has been to increase all asylum support rates in line with inflation. In view of the current economic situation in the country as a whole and the present downward inflation trend, this year consideration is being given to the structure of asylum support payments to ensure that the essential living needs of asylum seekers are met within current budgetary constraints. We are also considering whether existing support categories may be simplified.

7.4 The effects of this statutory instrument are confined to those eligible for asylum support. There is likely to be little general public interest in the policy, but interest will come primarily from those organisations concerned with the welfare of asylum seekers.

7.5 Current asylum support rates are set out in The Asylum Support (Amendment) Regulations 2008, Statutory Instrument 2008 No. 760, and will continue to apply.

- *Consolidation*

7.6 There is no need for consolidation because no changes are being made by these two instruments.

8. Consultation outcome

8.1 This forms part of an annual review mechanism and we will consult with other government departments. We will write to main stakeholders to explain why changes will not be in place on 6 April. We intend to consult on a full review of asylum support legislation with a view to bringing forward proposals in the Bill aimed at simplifying immigration legislation, which we plan to publish in draft before the end of this parliamentary session.

9. Guidance

9.1 No separate guidance is considered necessary at this time, as the Asylum Support (Amendment)(Revocation) Regulations 2009, Explanatory Note and Memorandum provide full information.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument, because no impact on the public, private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Asylum support rates are reviewed annually by Department officials. The review takes into account essential living needs of asylum seekers, inflation and Department budget allocation for the forthcoming year. We intend to consult on a full review of asylum support legislation with a view to bringing forward proposals in the Bill aimed at simplifying immigration legislation, which we plan to publish in draft before the end of this parliamentary session.

13. Contact

13.1 Amelia Wright at the Immigration Policy Directorate, Tel. 020 8760 8764 or e-mail: Amelia.Wright8@homeoffice.gsi.gov.uk can answer any queries regarding this instrument.