

EXPLANATORY MEMORANDUM TO
THE ASYLUM SUPPORT (AMENDMENT) REGULATIONS 2007
2007 NO. 863

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 29th October 2001 the Home Secretary stated that he would increase the value of subsistence support provided to asylum seekers supported by the Home Office in line with the increase in Income Support payments. This practice has continued, and the next rise is due on 9th April 2007. 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 Home Office levels of support are at 70% of Income Support levels for adults and 100% for dependants aged under eighteen years.

2.2 At present an asylum support application must be made by completing the form for the time being issued by the Secretary of State for the purpose; and any form so issued shall be the form shown in the Schedule to these regulations or a form to the like effect. The form and guidance shown in the Schedule is to be separated from the regulations and the application form to be completed is the form which is made available by the Secretary of State at the current time.

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

3.1 None.

4. **Legislative Background**

4.1 This Statutory Instrument amends regulation 10 of the Asylum Support Regulations 2000 (SI. 2000/704) so as to amend the amounts that are to be paid, as a general rule, to supported persons and their dependants in respect of their essential living needs (i.e. their subsistence support). These increases are made annually in line with DWP's annual increase in Income Support payments which this year comes into effect on 9th April 2007.

4.2 This Statutory Instrument additionally amends regulation 3(3) of the Asylum Support Regulations 2000 to effect a separation of the asylum support application form and the guidance from the Asylum Support Regulations 2000.

5. Extent

5.1 This instrument applies to all 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

7.1 The Asylum Support Regulations 2000 which came into force on 3rd 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.

7.2 On 29th October 2001 the Home Secretary stated that he would increase the amounts paid in line with the increase in Income Support payments. This practice has continued and the next rise is due on April 9th 2007.

7.3 The uprating of the support levels continues to fulfil the Home Secretary's undertaking of 29th October 2001.

7.4. The Asylum Support Regulations 2000 made provision (in regulation 3(3)) for an application for asylum support to be made by completing the form for the time being issued by the Secretary of State for the purpose. The original application form was included within these regulations. Since the original form was published within the Asylum Support Regulations 2000, some of the terminology has become obsolete and any updating the Home Office wish to carry out can only be achieved by laying an amendment to the regulations. We have therefore concluded following consultation with our stakeholders that it would be sensible to separate the application form from the regulations themselves. We have also used this opportunity to remove the original guidance notes from the regulations. This is now replaced by the application form which the Secretary of State makes available for completion.

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

9.1 David Ridgway in the Asylum Support Policy Team on Tel. 020 8604 6851 or e-mail: david.ridgway@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.