Understand what is meant by Section 95 support

Section 95 support

Most asylum seekers are not entitled to work, or access mainstream benefits, so there is a parallel system of support for asylum seekers. The main support available to asylum seekers is under Section 95 of the Immigration and Asylum Act 1995.

Section 95 vs Section 98 Support

Section 95 Support is usually different to the support given to people while they are in Initial Accommodation. Initial Accommodation is provided under Section 98 Support, sometimes referred to as ‘emergency support’.

While somebody is awaiting a decision on their asylum claim, they may be entitled to Section 95 support. This consists of accommodation and weekly support payments. This support will continue until a decision is made on their case. When an initial decision is made to refuse a claim, support will continue as long as someone lodges an appeal before the appeal deadline. Support will end if the case is refused at appeal. Section 95 support also ends if someone is given a positive decision on their appeal and the applicant will need to apply for mainstream benefits.

For families with children under 18 years Section 95 support will continue until they are awarded leave or removed from the country even if their case is refused. If Asylum Support is removed, it may then fall to the local authority to support families with no leave to remain.

Notes:
What is Section 95 Asylum Support?

- Your asylum support is linked to your asylum claim.
- Most people are not allowed to work while their claim is being processed. So, the Home Office provides support for those who cannot support themselves - Housing and money.
  - You can apply for asylum support through ‘Migrant Help’ - 0808 8010 503
  - You may have an appointment made for you automatically, if you are living in initial accommodation.
- Migrant Help will ask for information from you to determine whether you need asylum support. They will want to know whether you have access to any money, assets or housing – and if not, why not. **You will need to show that you cannot support yourself in order to get asylum support. This can be difficult.** This sometimes includes talking about money you spent on your journey to the UK, like payment of agents and smugglers (you can be honest about this), as well as how you have been living since you arrived here. You will need as much evidence as possible to make your application. For example, if you arrive in the UK with money, it is useful to keep receipts to show how you have spent it.
- If you are granted asylum support, you will receive asylum housing and £37.75 per week through your ASPEN card, which can be used in shops and bank cash-machines. (Please note - you may receive your ASPEN card and receive your £5 per day while in Initial accommodation - Section 98 support)
- **You cannot choose where you live**, unless you have a valid medical reason, or it will significantly impact the welfare of a child.
- **If you want to move to a different place and keep your asylum support, you must get permission from the Home Office before moving.**

Notes:
If you already have somewhere stable to live, perhaps with family living in the UK, you can apply to receive financial support only by making a ‘subsistence only’ application.

Can I get extra support if I have, or will have a young child?
- If you are pregnant, or have recently given birth you may be entitled to additional Maternity Support including:
  - A one-time Maternity Payment of £300 if your baby is due in 8 weeks or less, or is less than 6 weeks old.
  - An extra weekly payment:
    - Pregnant mother - £3
    - Baby under 1 year - £5
    - Child aged 1 – 3 years - £3

- You can apply for Maternity Support when you apply for Asylum Support with Migrant Help.
- You can also apply by requesting a ‘MAT B1’ form from your GP and asking a local charity for help.

Below are some of the issues asylum seekers may face whilst on Section 95 support

Support has been stopped but client has ongoing appeal (and the date support is to be stopped has not already passed)
- The client will need to fax proof of hearing to the relevant UKVI Asylum Support team with a covering ‘reinstatement of support’ request.

Adding dependents to support (simple cases e.g. babies)
- The client will need to make the UKVI Asylum Support team aware that support needs to increase and send them relevant documentation.

Notes:
Adding dependents to support (complex cases e.g. partners with separate asylum claims)
● The client will need to liaise with the UKVI Asylum Support team and provide them with various pieces of evidence.

Maternity Grants
● The client will need to liaise with the UKVI Asylum Support team and provide them with various pieces of evidence.

Change of circumstances – ‘both to subsistence only'
● The client will need to talk to the UKVI Asylum Support Team and find out how to change his/ her support if he/ she no longer requires accommodation.

Change of circumstances – ‘subsistence only to both accommodation and subsistence support'
● The client will need to talk to the UKVI Asylum Support Team and find out how to change his/ her support if he/ she requires accommodation.

Accommodation Complaints
● The client will need to speak to their housing officer if they haven’t already raised the complaint with them.

Relocation Requests
● The client will need to speak to their accommodation provider first. Only if the provider refuses, would a request go to Asylum Support.

- For more detailed information about asylum support, please visit Asylum Support Appeals Project

- You can also look at the gov.uk website for more information about Living in Asylum Accommodation - this material is translated into different languages including Arabic, Albanian, Farsi, Kurdish, Pashto, Tigrinya

Notes: