
STATUTORY INSTRUMENTS

2000 No. 704

The Asylum Support Regulations 2000

Initial application for support

Persons excluded from support

4.—(1) The following circumstances are prescribed for the purposes of subsection (2) of section 95 of the Act as circumstances where a person who would otherwise fall within subsection (1) of that section is excluded from that subsection (and, accordingly, may not be provided with asylum support).

(2) A person is so excluded if he is applying for asylum support for himself alone and he falls within paragraph (4) by virtue of any sub-paragraph of that paragraph.

(3) A person is so excluded if—

- (a) he is applying for asylum support for himself and other persons, or he is included in an application for asylum support made by a person other than himself;
- (b) he falls within paragraph (4) (by virtue of any sub-paragraph of that paragraph); and
- (c) each of the other persons to whom the application relates also falls within paragraph (4) (by virtue of any sub-paragraph of that paragraph).

(4) A person falls within this paragraph if at the time when the application is determined—

- (a) he is a person to whom interim support applies; or
- (b) he is a person to whom social security benefits apply; or
- (c) he has not 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 an asylum-seeker or dependent on an asylum-seeker.

(5) For the purposes of paragraph (4), interim support applies to a person if—

- (a) at the time when the application is determined, he is a person to whom, under the interim Regulations, support under regulation 3 of those Regulations must be provided by a local authority;
- (b) sub-paragraph (a) does not apply, but would do so if the person had been determined by the local authority concerned to be an eligible person; or
- (c) sub-paragraph (a) does not apply, but would do so but for the fact that the person's support under those Regulations was (otherwise than by virtue of regulation 7(1)(d) of those Regulations) refused under regulation 7, or suspended or discontinued under regulation 8, of those Regulations;

and in this paragraph “local authority”, “local authority concerned” and “eligible person” have the same meanings as in the interim Regulations.

(6) For the purposes of paragraph (4), a person is a person to whom social security benefits apply if he is—

- (a) a person who by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000⁽¹⁾ is not excluded by section 115(1) of the Act from entitlement to—
 - (i) income-based jobseeker’s allowance under the Jobseekers Act 1995⁽²⁾; or
 - (ii) income support, housing benefit or council tax benefit under the Social Security Contributions and Benefits Act 1992⁽³⁾;
 - (b) a person who, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000⁽⁴⁾ is not excluded by section 115(2) of the Act from entitlement to—
 - (i) income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995⁽⁵⁾; or
 - (ii) income support or housing benefit under the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁶⁾;
- (7) A person is not to be regarded as falling within paragraph (2) or (3) if, when asylum support is sought for him, he is a dependant of a person who is already a supported person.
- (8) The circumstances prescribed by paragraphs (2) and (3) are also prescribed for the purposes of section 95(2), as applied by section 98(3), of the Act as circumstances where a person who would otherwise fall within subsection (1) of section 98 is excluded from that subsection (and, accordingly, may not be provided with temporary support under section 98).
- (9) For the purposes of paragraph (8), paragraphs (2) and (3) shall apply as if any reference to an application for asylum support were a reference to an application for support under section 98 of the Act.

(1) S.I.2000/636.
(2) 1995 c. 18.
(3) 1992 c. 4.
(4) S.R. (N.I.) 2000 No. 71.
(5) S.I. 1995/2705 (N.I. 15).
(6) 1992 c. 7.