



By email

16th July 2021

Dear SEG Members,

Re: Asylum Support Cessations

I am writing to let you know that the Minister for Future Borders and Immigration has written to Local Authority Chief Executives today setting out that from 19th July we will begin to review and process cases for possible cessation from those failed asylum seekers who are currently in receipt of support under sections 95 and 4(2) of the Immigration and Asylum Act 1999 (the 1999 Act).

Our normal policies and procedures will apply subject to these additional factors:

- Anyone who is symptomatic with the virus and awaiting a test result will not be required to leave their accommodation until they receive a negative test result.
- Anyone who has received a positive test will be allowed to remain their accommodation for a further 10 days.
- Anyone who has been contacted by the NHS track and trace system will be allowed to remain on their accommodation for a further 10 days.
- The notice period given to the individuals that they must leave their accommodation (21 days) will be extended to facilitate the above if necessary.

This approach will apply to England initially, although the expectation is that a similar approach will be applied in the rest of the United Kingdom following separate discussions with officials in the Devolved Administrations about the precise timing of arrangements.

As you will be aware, the original decision of 27 March 2020 to suspend discontinuations was a precautionary measure and reflected the uncertainty at the time as to the nature of Covid-19 and the steps that would need to be taken in order to prevent unnecessary movement of those receiving asylum accommodation and so help prevent the spread of the virus. Since then we have continued to take a careful and phased approach to the resumption of cessations in accordance with the Government's Covid-19 Recovery Roadmap.

Ministers have been clear that the appropriate time to revert to the normal cessation policy that was in place before March 2020 was from 17 May 2021, the beginning of step 3 of the Government's Covid-19 Recovery Roadmap. However legal proceedings (the case of QBB) have generally prevented decisions being made and to settle that litigation, a pragmatic decision was taken to pause any further cessations until 21 June, which at the

time was expected to coincide with step 4 of the Roadmap. Since then, the Government decided to defer step 4 (now scheduled to 19 July). As part of the further easing of restrictions Ministers have carefully considered our approach to lifting the pause on cessation and have decided the overall circumstances make it essential we now revert to our normal policy and procedures.

Where an asylum claim is refused and a subsequent appeal is dismissed by the courts, we would expect those who have no basis of stay in the UK to return voluntarily to their country of origin. We will continue to provide accommodation and support to failed asylum seekers who engage with the Voluntary Returns Service and for those who are temporarily unable to leave the UK because of a practical or legal obstacle. We cannot continue to house those who are no longer eligible for accommodation and support if they choose not to explore these avenues.

Whilst it is recognised that it is impossible to eliminate completely any health risks that may be arise from the behaviour of individuals who chose not to accept the offer of accommodation on the terms offered, these risks are deemed low and there are strong countervailing factors to take account of. The most immediate of these factors is the urgent need to ensure there is sufficient suitable accommodation available for new destitute asylum claimants, including ensuring that those asylum seekers who are currently accommodated in hotels are able to move to community-based accommodation for the duration of their claim.

As we have done previously, we will be sharing details of the current number of cases for review with local authorities to assist them in planning and our operational approach remains to work through cases over the next few months. However I would like to emphasise that it is not possible at this stage to be definitive about the final volume of cases that will have their support discontinued. This is partly because all individuals will continue to receive a minimum of 21 calendar days' notice from the decision to stop their support and have the opportunity to remain in their accommodation, supported under section 4(2) of the 1999 Act, provided that they agree to take reasonable steps to leave the UK (in practical terms by registering with the Home Office's voluntary returns programme and leaving when a flight can be arranged for them).

We will of course provide further information to ASEG members as it becomes available in the meantime if you have any questions please do get in touch through the ASEG Secretariat – NASFSecretariat@homeoffice.gov.uk

Thank you again for your continued support.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Sean Palmer', written in a cursive style.

Sean Palmer
Director of Resettlement Asylum Support & Integration