

A Shelter guide

# Asylum seekers and refugees

Accessing  
accommodation  
and housing  
support

# Shelter



# Asylum seekers and refugees

This guide explains the general help and housing support you are entitled to if you are an asylum seeker, a refugee, or an appealing or unsuccessful asylum seeker. If you intend to apply for asylum in the UK but have not done so, contact the **UK Border Agency (UKBA)** as soon as possible (see ‘Useful organisations’ on page 15).

This guide is only an introduction to the law in England and Wales. For more detailed information you will need to contact a legal or immigration adviser. If you live in Scotland or Northern Ireland, you should contact Shelter Scotland or the Housing Rights Service as some laws are different (see ‘Useful organisations’ on page 15).

If you need more detailed information, you should get advice from a local Shelter advice service or a citizens advice bureau. If you live in England and Wales, you can contact Shelter’s free housing advice helpline on 0808 800 4444 (open seven days a week from 8am to 8pm; charges may apply to mobile phone calls) or visit [www.shelter.org.uk/adviceonline](http://www.shelter.org.uk/adviceonline)

If you live in Scotland, you can contact Shelter’s free housing advice helpline on 0808 800 4444 (open Monday to Friday from 9am to 5pm; charges may apply to mobile phone calls) or visit [www.shelter.org.uk/adviceonline](http://www.shelter.org.uk/adviceonline)

There are also several other organisations that can offer advice. See page 15 for details.

Names or terms highlighted in **bold** throughout the text are explained fully in the ‘Glossary’ on page 13.

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## What support am I entitled to?

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If you are an asylum seeker you may be entitled to housing and/or money from the Government, depending on your circumstances. This is called asylum support and is usually provided by the **UK Border Agency (UKBA)**.

If you have an outstanding application for refuge in the UK, you are entitled to health care from the National Health Service (NHS) and can see a doctor or receive hospital treatment free of charge. The NHS does make charges for some services, but if you are receiving asylum support you can ask **UKBA** to give you a form HC2, enabling you to get extra free health services. Your children will have a school place between the ages of 5 and 16, and you must make sure that your child goes to school.

If you or one of your family has a disability or other circumstances that may affect his/her health or development, you may get extra support from **social services** – a department of the **local council**. **Social services** must always help a child in need.

If you are an unaccompanied minor, ie a child or young person under 18 who is claiming asylum and has no family in the UK, you are a child in need and **social services** must make sure that you are looked after. Younger children will be taken

into **social services**' care, but after age 16 you may be supported to live independently. **Social services** must continue to support you until you are 21 years old.

If your asylum claim is successful, you can apply for many of the same benefits as British citizens, see page 10 for more information.

## Am I entitled to asylum support?

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- Are you 18 years of age or older?
- Have you applied for asylum in the UK?
- Are you still waiting for a decision on your asylum claim?
- Do you need help with your living costs or somewhere to live?

**If you can answer 'yes'** to all four questions you may be entitled to asylum support. If you didn't apply for asylum at the port of entry, you may have to prove your arrival date in the UK. This could affect your support entitlements. See 'UKBA says I didn't apply for asylum soon enough' on page 6 for more information.

**If you answered 'no'** to any of the above questions but have a child, or children, under 18 or who have special needs, you may still be entitled to support.

### **I am under 18 years of age**

If you are an asylum seeker under 18, and have arrived in the UK without an adult, you can get help from your **local council's social services** department. They will provide you with accommodation, food, and clothing. All unaccompanied asylum-seeking children should contact the Refugee Council's Children's Panel on 020 7346 1134.

Once you are 18, you will become eligible for help from **UKBA** but **social services** will be legally obliged to provide ongoing help and support until you reach 21 (or 24 if you are studying full-time).

### **I have a disability or other special needs**

If you are an asylum seeker, you may be able to get extra support from your **local council's social services** department, for example if you:

- have a mental or physical disability
- you have a long-term illness or condition
- are pregnant have recently left a mental institution
- have recently turned 18 and were looked after by **social services** before your 18th birthday (see above).

**Social services** can sometimes adapt accommodation to make it more suitable for you, or pay for any special services that will

help you to live independently. They can also arrange specialist support such as counselling.

### **What if I have my own accommodation?**

If you have somewhere to stay but no money to support yourself, you can apply to **UKBA** for financial support to pay for food and other basic costs. **UKBA** will not pay your rent or utility bills.

If you have been living with family or friends but need to move out, you can reapply to **UKBA** for both accommodation and support.

### **Does it make a difference if I have my own money?**

If you have access to money or property that you could sell, you may not be eligible for asylum support. **UKBA** will take into account any assets that you have, including:

- money in the form of cash, savings, or investments
- valuable possessions, including cars
- property or land.

If you have any of the above, but you cannot access them (because they are abroad, for example), you will have to explain this in the form. **UKBA** should still help you in these circumstances.

## How do I apply for asylum support?

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You must fill in an application form at a **One Stop Service** or **induction centre**. You will be directed to an **induction centre** if you arrive at an appropriate port. For your nearest **One Stop Service**, contact the Migrant Helpline on 020 8774 0002 or 01304 203 977. Staff there will help you to fill in the form and provide an interpreter for you, if necessary. If you have any identification documents, such as birth certificates, you should take these with you.

If you have dependants, you don't need to fill in a separate form for each of them. One form per household is enough.

### When do I apply?

You should apply when you need help, but if you don't need help yet, you can apply at any time before your asylum claim is processed. You could be housed in **emergency accommodation**, if you:

- have claimed asylum
- have applied for asylum support (and are still waiting for **UKBA's** decision)
- have nowhere else to stay.

You could be in **emergency accommodation** for around six to eight weeks while your **UKBA**

application is being processed. Food and basic necessities will be provided in the accommodation.

**Important:** While in **emergency accommodation**, you should think about the options you might have if your **UKBA** application is unsuccessful. See 'UKBA says I didn't apply for asylum soon enough' below.

### What support can I get?

Asylum support usually includes a weekly cash instalment for basic essentials. An extra payment is made to pregnant women and mothers with children under three years old.

In exceptional circumstances, **UKBA** may decide you need help with other costs. This is known as an exceptional payment.

### How long does the application take?

UKBA applications are expected to take between seven and 10 days to process, but in many cases it takes longer.

### UKBA says I didn't apply for asylum soon enough

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If you get a negative **UKBA** decision on section 55 grounds (because you didn't apply for asylum soon enough), you will be asked to leave

your **emergency accommodation** within seven days. If you get a positive decision, you can remain in **emergency accommodation** and you may receive further asylum support.

You cannot appeal against this decision. The only way to challenge a negative decision is to request reconsideration from **UKBA** or apply for **judicial review**. **Judicial review** is a complicated legal process, so you will need help from a legal adviser. You will have to prove that **UKBA** didn't follow the correct procedure when it assessed your application, or that **UKBA's** refusal to help you is an abuse of your human rights. Despite being difficult to prove, there have been several positive court decisions, so seeing a legal adviser could be useful. Contact the Refugee Council's advice line on 020 7346 6700 for general advice, or call Shelter's free housing advice helpline on 0808 800 4444 to help you find a legal adviser.

## Questions about asylum support

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If your application for asylum support is successful you will receive an agreement detailing the conditions of support. This asylum support agreement is important. You must sign it to show that you agree to it.

Make sure you understand what you must do, because if you don't keep to the agreement, **UKBA** can withdraw its support. For example, it is very important for you to tell **UKBA** if you are away from your accommodation – even for a few days – otherwise you could have your support and accommodation withdrawn.

### **What kind of accommodation might I be offered?**

**UKBA** may decide to place you in:

- a house
- a flat
- a hostel
- bed and breakfast accommodation.

You may be provided with some or all of your meals, or it may be accommodation where you can cook for yourself. **UKBA** do not own any of the accommodation. It is managed by **accommodation providers**, who contract out to landlords. Landlords do not work for the **Home Office**.

### **Will I get a choice of UKBA accommodation?**

When allocating your accommodation, **UKBA** does not have to consider your personal preferences, such as location or furniture. **UKBA** should, however, consider circumstances such as a large family or disability.

## Where might the UKBA housing be?

The **UKBA** housing you are offered is unlikely to be in London or the South East. If **UKBA** puts you in temporary accommodation initially, when you move to different accommodation this will be in the same region. **UKBA** will only make one offer of accommodation. You will be expected to take this unless you have a good reason not to, such as being unable to travel due to illness or heavy pregnancy. If you refuse to move to another area without good reason, **UKBA** may stop supporting you.

## What standards should I expect?

Your **UKBA** accommodation should conform to certain quality and safety standards. These standards include:

- if you have children, the accommodation must be suitable for them
- if you are sharing a room it should not be overcrowded, nor should you share a room with people you don't know
- your accommodation should have at least one toilet, and one bath or shower for every five people
- your living and dining room space should allow at least four square metres per person
- if you are expected to cook your own food, your accommodation should have one kitchen for every five people

- all accommodation should have smoke alarms and clear escape routes. There should be no furniture or rubbish in the corridors
- all gas and electrical appliances should be tested yearly. This includes your boiler, cooker, and any gas fires. If you think any appliances are unsafe, contact an environmental health officer (see below).

If you think your UKBA accommodation does not conform to these standards, you should complain to your landlord or **accommodation provider**. Making a complaint will not affect your asylum application as your landlord does not work for the **Home Office**. If there is still no improvement to your accommodation, you can contact an environmental health officer (EHO) at the **local council**. The EHO should then inspect your house. You can ask to remain anonymous, in which case the EHO will tell the landlord that they are making a routine visit. If the landlord does not act on the EHO's recommendations, s/he can be prosecuted and fined.

## Can I appeal?

If the **UKBA** accommodation provided is not appropriate for your needs, and **UKBA** have not accepted your complaint, you can appeal.

To be successful you will need a good reason, such as:

- you are more than six months' pregnant and the accommodation will not be big enough for you and your baby
- you will not have access to support services (for example, a solicitor or translator)
- the accommodation is too small (see 'What standards should I expect?' on the previous page) or isn't suitable for your disability
- living in the accommodation could damage your health because it is damp, or in very poor repair
- your children will have to move from a school which they have attended for at least 12 months.

Depending on the reasons you give, you may have to provide medical evidence (such as a doctor's letter) to support your appeal. Contact our helpline on 0808 800 4444 to find a legal adviser. To avoid losing the offer made by **UKBA**, it may be better to move into the accommodation first, and then make your appeal.

Problems with/during asylum support

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### **What can I do if UKBA refuses or withdraws support?**

There are various reasons why **UKBA** may decide to stop supporting you.

These include:

- if you break a condition of your asylum support agreement
- if **UKBA** finds out you have lied on your application form
- if **UKBA** thinks you have made yourself homeless (for example, by leaving your **UKBA** accommodation without **UKBA's** permission).

In this situation, you can appeal against **UKBA** to the Asylum Support Tribunal. You must make your appeal within three working days of hearing your asylum support has stopped. You should contact the Tribunal (see page 15).

### **What if my situation changes?**

If you are receiving asylum support and there is a change in your circumstances, you must inform **UKBA** immediately. You must tell **UKBA** if any of these changes occur:

- you get married
- you become divorced/separated
- another person joins your household
- you become pregnant or have a baby
- you go into hospital
- you gain access to money, or other property, that was previously abroad.

### **What if I'm being racially harassed or suffering domestic violence?**

If you are experiencing racial harassment, threats or violence

in your accommodation, or in the area where it is located, you should report this to:

- your landlord
- the police
- your legal adviser or to a **One Stop Service**.

**UKBA** has a duty to investigate the behaviour you have reported within 10 working days, and it must rehouse you if it decides that you are at serious risk of violence.

If you are found to have committed racial harassment, your asylum support can be withdrawn.

### **What if I have problems accessing my support payments?**

Contact **UKBA**'s asylum support customer contact centre on 0845 602 1739 if:

- you are having difficulty accessing your payments
- you have not received your support tokens.

But if your application registration card (ARC, that you will receive when you apply for asylum) or emergency or interim support tokens are lost or stolen, report the theft to the police and send a fax to **UKBA** on 020 7147 5664, saying that your card has been lost or stolen and giving the:

- crime reference number provided by the police station (if you were given one)

- the name or number of the police officer who recorded your report, and
- the name of the police station where you reported it.

My asylum support has ended.  
My asylum claim was successful

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If a decision is made on your asylum application and you are given **refugee status** and **indefinite leave to remain**, your asylum support will stop 28 days after you receive the decision and you will be expected to leave your **UKBA** accommodation. You will be entitled to apply for welfare benefits, including **housing benefit**. However, before applying for **housing benefit**, you have to find accommodation. For more information read the Shelter guide *Finding a place to live*.

Claim your benefits as soon as you receive your status letter, because they often take a long time to process.

You need to go to the Job Centre and the **local council housing benefit** office. You can sometimes receive backdated benefits from the date you claimed asylum. You can't get **housing benefit** until you have a place to live but you can find out how much **housing benefit** you will get, which will help you decide where to live.

### **What if I become homeless?**

If you don't have anywhere to live, you can apply to the **homelessness unit** of your **local council** for help. The rules on what sort of help the council has to give you are complicated, and your rights will depend on your personal circumstances. At the very least, the council has to look into your situation and give you advice to help you find a home. Depending on your circumstances, you may also be entitled to accommodation.

Get independent advice if the council refuses to help you. See Shelter's guide, *Homeless? Read this* for more information.

### **Can I apply for council housing?**

You will be eligible for council housing but will have to put your name on the waiting list. Permanent council housing is a good option, as council tenants have stronger rights and lower rents than most other tenants. However, there is a lot of competition for council housing, so there will usually be a long wait for an offer.

My asylum support has ended. I have been granted humanitarian protection or discretionary leave

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If a decision is made on your asylum application and you are

given **humanitarian protection** or **discretionary leave**, your asylum support will stop 28 days after you receive the decision, and you will be expected to leave your **UKBA** accommodation. You will be entitled to apply for welfare benefits including **housing benefit**. However, before applying for **housing benefit** you have to find accommodation. Please read the Shelter guide *Finding a place to live*.

Benefits can take a long time to process, so it is best to contact your **local council** to apply as homeless as soon as you receive your status letter.

**Important:** Please also read the sections 'What if I become homeless?' and 'Can I apply for council housing?'.

My asylum support has ended. My asylum claim was unsuccessful

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If your asylum claim was unsuccessful, your asylum support will stop 21 days after you receive the decision (unless you appeal, see below). If you have a child or children under 18, or receive support from **social services**, you will continue to receive whatever support you are presently entitled to (see 'I have

children' on page 4 or 'I have a disability or other special needs' on page 5).

### **Can I appeal?**

You can appeal against a negative asylum claim. You will keep receiving asylum support during the appeal, provided you make your appeal within 10 working days of receiving the negative decision. Appeal rights can vary depending on your circumstances. A legal adviser should be able to advise you on this. To find a legal adviser, contact Shelter's free housing advice helpline on 0808 800 4444. For general advice, contact the Refugee Council's advice line on 020 7346 6700.

### **I am unable to go back to my country**

If your asylum claim has failed, you may be able to claim **section 4 support** (sometimes known as hard cases support) if:

- you are taking all reasonable steps to leave the UK
  - you are unable to leave the UK because of a physical barrier to travel or for some other medical reason (eg because of disability, illness, or you are in the late stages of pregnancy)
  - you are unable to leave the UK because the **UKBA** believes there is no safe route available
- you have applied for a **judicial review** of your asylum application and the court has given you permission to proceed with it, or accommodation is necessary to prevent a breach of your rights, within the meaning of the Human Rights Act 1998.
  - Under **section 4 support**, you could receive food and accommodation outside London (you may be moved from your **UKBA** accommodation) on a no-choice basis. Contact the Refugee Council advice line on 020 7346 6700 for advice on how to apply.

### **Accommodation providers**

UKBA has contracts with a number of accommodation providers that manage landlords in different dispersal regions.

### **Dependant**

A dependant generally means the husband, wife, partner, or child of the asylum applicant. However, it can also mean children living as part of the asylum applicant's household.

### **Discretionary leave**

A status which the Home Office can grant an asylum seeker who does not qualify for refugee status or humanitarian protection, when there are other strong reasons why he or she needs to stay in the UK for a temporary period.

### **Emergency accommodation**

Temporary housing provided by UKBA while your UKBA application is being processed. Emergency accommodation is not the same as UKBA accommodation. It is provided while you're waiting for your asylum application to be processed.

### **Homelessness unit**

This is the department of the local council that deals with homelessness.

### **Home Office**

This is the government department that deals with justice and home affairs, including asylum and immigration.

### **Housing benefit**

This is money that is paid by local councils to help people who are not working, or those on a low income, with their rent payments. It does not cover costs other than rent. Most asylum seekers and people who have been abroad for a long period of time will not be eligible for housing benefit.

### **Humanitarian protection**

This is a temporary protection for asylum seekers who do not meet the requirements of being classed as refugees, but are allowed to remain in the UK on human rights grounds.

### **Indefinite leave to remain**

This status is given when you have been granted leave to remain in the UK but are not subject under immigration law to any conditions or restrictions on your period of stay.

### **Induction centre**

A residential centre where asylum seekers are briefed and assisted, while their UKBA applications are being processed.

## **Judicial review**

This is where the High Court examines whether a public body has correctly applied the law in reaching their decision (in this case an asylum decision). Judicial review may be the only way of challenging an immigration refusal where there is no right of appeal.

**Local councils** (also known as local authorities)

Authorities working within the powers laid down in various Acts of Parliament. Local councils enforce law and provide services through their various departments (ie social services) within districts they represent.

## **One Stop Service**

A service for asylum seekers run by voluntary organisations, such as the Refugee Council, which can help you with your UKBA application and any queries you have about the asylum process.

## **Refugee status**

A status given to an asylum seeker who is considered by the Home Office to come within the definition of refugee, as described in the 1951 UN Convention on Refugees. A person with refugee status has indefinite leave to remain in the UK.

**Section 4 support** (sometimes called 'hard cases support')

This is a special form of support for people whose asylum applications have failed and they've reached the end of the application process but cannot be returned to their country of origin.

## **Social services**

A local council department that deals with issues of care and welfare.

## **UK Border Agency (UKBA)**

The Home Office department responsible for all immigration and asylum issues (previously the Immigration and Nationality Directorate). UKBA provides asylum support to destitute asylum seekers and administers the asylum support system (previously provided by the National Asylum Support Service).

## Useful organisations

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### **Advice UK**

12th Floor  
New London Bridge House  
25 London Bridge Street  
London SE1 9SG  
020 7407 4070  
[www.adviceuk.org.uk](http://www.adviceuk.org.uk)

### **Asylum Aid**

Club Union House  
253–254 Upper Street  
London N1 1RY  
020 7354 9264  
[www.asylumaid.org.uk](http://www.asylumaid.org.uk)

### **Asylum Support Appeals Project**

18 Barclay Road  
Croydon CR0 1JN  
Advice line: 0845 603 3884  
[www.asaproject.org.uk](http://www.asaproject.org.uk)

### **Asylum Support Tribunal**

Christopher Wren House  
113 High Street  
Croydon, Surrey CR0 1QG  
020 8588 2500 (general enquiries)  
[www.asylum-support-tribunal.gov.uk](http://www.asylum-support-tribunal.gov.uk)

### **Asylum Welcome**

276a Cowley Road  
Oxford OX4 1UR  
01865 722 082  
[www.asylum-welcome.org](http://www.asylum-welcome.org)

### **Citizens Advice**

Myddelton House  
115–123 Pentonville Road  
London N1 9LZ  
020 7833 2181  
[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

### **Equality and Human Rights Commission**

0845 604 6610 (England helpline)  
0845 604 8810 (Wales helpline)  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Housing Corporation**

Maple House  
149 Tottenham Court Road  
London W1T 7BN  
0845 230 7000  
[www.housingcorp.gov.uk](http://www.housingcorp.gov.uk)

### **Housing Rights Service**

Middleton Buildings  
10–12 High Street  
Belfast BT1 2BA  
028 9024 5640  
[www.housing-rights.org.uk](http://www.housing-rights.org.uk)

### **Immigration Advisory Service**

County House  
190 Great Dover Street  
London SE1 4YB  
020 7967 1200  
[www.iasuk.org](http://www.iasuk.org)

### **Joint Council for the Welfare of Immigrants**

115 Old Street  
London EC1V 9RT  
[www.jcwi.org.uk](http://www.jcwi.org.uk)

**Medical Foundation for the care of victims of torture**

111 Isledon Road  
London N7 7JW  
020 7697 7777  
[www.torturecare.org.uk](http://www.torturecare.org.uk)

**Migrant Helpline**

Charlton House  
Dour Street  
Dover  
Kent CT16 1AT  
01304 203 977  
[www.migranthehelpline.org.uk](http://www.migranthehelpline.org.uk)

**Refugee Action**

The Old Fire Station  
150 Waterloo Road  
London SE1 8SB  
020 7654 7700  
[www.refugee-action.org.uk](http://www.refugee-action.org.uk)

**Refugee Council**

240–250 Ferndale Road  
London SW9 8BB  
020 7346 6700  
[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

**Refugee Legal Centre**

Nelson House  
153–157 Commercial Road  
London E1 2DA  
020 7780 3200  
07831 598 057 (emergency service)  
[www.refugee-legal-centre.org.uk](http://www.refugee-legal-centre.org.uk)

**Refugee Support** (previously  
Refugee Housing Association)

MHT House  
Crescent Lane  
London SW4 9RS  
020 7501 2200  
[www.refugeesupport.org.uk](http://www.refugeesupport.org.uk)

**Shelter (England and Wales)**

Free helpline (8am to 8pm, seven  
days a week, **charges may apply to  
mobile phone calls**) 0808 800 4444  
[www.shelter.org.uk/adviceonline](http://www.shelter.org.uk/adviceonline)

**Shelter (Scotland)**

Free helpline (9am to 5pm, Monday  
to Friday, **charges may apply to  
mobile phone calls**) 0808 800 4444  
[www.shelter.org.uk/adviceonline](http://www.shelter.org.uk/adviceonline)

**UK Border Agency (UKBA)**

Lunar House  
40 Wellesley Road  
Croydon  
Surrey CR9 2BY  
0870 606 7766  
[www.ukba.homeoffice.gov.uk/  
asylum](http://www.ukba.homeoffice.gov.uk/asylum)

## Housing Training: Immigration and Asylum

Take advantage of our training courses on housing-related asylum, refugee and immigration issues. All our courses are suitable for those working in housing and related fields, and the not-for-profit sectors.

### **European Nationals, Workers from Abroad and Housing Rights**

**One-day course** Intermediate  
**CPD 5 hours**

Provides an overview of the housing rights of workers who have arrived from Europe and further afield. Delegates will look at the legal framework that regulates the rights of such workers to social housing, examine the rights of specific groups, and consider problem areas.

### **Immigration Status and Housing Rights**

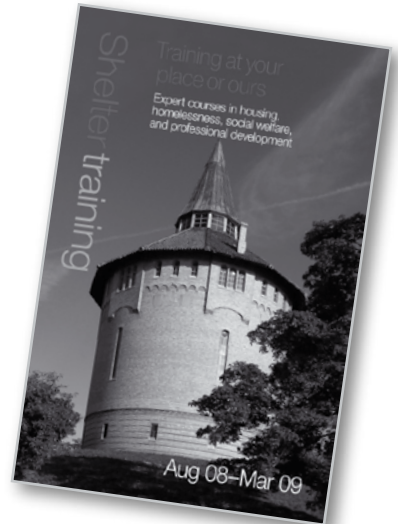
**One-day course** Intermediate  
**CPD 5 hours**

Examines the interaction between immigration status and housing rights. Delegates will receive an update on changes in statute, case law and practice.

### **Immigration, Asylum and Housing Rights: Update**

**One-day course** Advanced  
**CPD 5 hours**

Provides experienced advisers with an update on the latest legislation, immigration rule changes, case law, regulations and new areas of provision in immigration and asylum law.



For more information see [www.shelter.org.uk/training](http://www.shelter.org.uk/training) or call **0844 515 1155** for full course details, dates and prices.





## Everyone should have a home

We are one of the richest countries in the world, and yet millions of people in Britain wake up every day in housing that is run-down, overcrowded, or dangerous. Many others have lost their home altogether. Bad housing robs us of security, health, and a fair chance in life.

Shelter helps more than 170,000 people a year fight for their rights, get back on their feet, and find and keep a home. We also tackle the root causes of bad housing by campaigning for new laws, policies, and solutions.

Our website gets more than 100,000 visits a month; visit [www.shelter.org.uk](http://www.shelter.org.uk) to join our campaign, find housing advice, or make a donation.

We need your help to continue our work.  
Please support us.

88 Old Street  
London EC1V 9HU

0845 458 4590  
[www.shelter.org.uk](http://www.shelter.org.uk)

Registered charity in England and Wales (263710)  
and in Scotland (SC002327).

# Shelter