

CEASING ASYLUM SUPPORT

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Introduction

This instruction is for Asylum Teams that manage asylum support cases.

The instruction sets out how to cease support following a decision that affects an applicant's immigration status i.e. a grant or refusal of leave to enter or remain or the withdrawal of an asylum claim.

It provides instructions on calculating overpayments and the action that should be taken if overpayments are made.

This instruction also sets out the procedure for considering applications for support to be reinstated.

Legislation

The key provisions relating to support for asylum seekers are set out in Part VI of the Immigration and Asylum Act 1999.

For support purposes an asylum seeker is defined at section 94 of the Immigration and Asylum Act, 1999.

Section 94(3) of the [Immigration and Asylum Act 1999](#) defines when a claim for asylum is determined.

Regulations 2(2) and 2(2A) of the Asylum Support Regulations 2000, as amended by regulation 3 of the [Asylum Support \(Amendment\) Regulations 2002](#) prescribe the relevant grace periods.

Overpayments made as a result of an error by the Secretary of State may be recovered under the provisions of section [114 of the Immigration and Asylum Act 1999](#).

All other overpayment cases are recoverable under section [112 of the Immigration and Asylum Act 1999](#), (Part VI) through the County Court (or in Scotland the Sheriff). Section 112 outlines a power to recover money where a person has misrepresented or failed to disclose a material fact and support was provided under section 95 or 98 as a consequence. Regulation 4 of the [Asylum Support \(Amendment\) Regulations 2005](#) (SI 2005/11) – which came into effect on 5th February 2005 – inserted paragraph 17A into the [Asylum Support Regulations 2000](#). This provides that the Secretary of State may require a supported person to refund asylum support if it transpires that he was not destitute at any time during which Asylum Support was being provided for him. The same requirement can be applied in cases where the dependants of the supported person were not destitute, at a time when he or they were being provided with asylum support. If this refund is not paid within a reasonable period, it can be recovered from the supported person as if it were a debt due to the Secretary of State.

Asylum Support

For the purposes of asylum support, a claim for asylum means:

- a claim that it would be contrary to the UK's obligations under the Refugee Convention or Article 3 of the European Convention of Human Rights (ECHR) for him to be removed from, or required to leave, the UK

If an applicant no longer has

- an undetermined claim for asylum, **or**
- an undetermined claim under Human Rights Act (HRA) Article 3 **or**
- an appeal pending,

he ceases to be eligible for support under the provisions of the Immigration and Asylum Act 1999.

A claim for asylum is determined at the end of a period of either 21 or 28 days beginning:

- on the day on which the Secretary of State notifies the applicant of his decision on the claim; **or**
- if the applicant has appealed against the Secretary of State's decision, on the day on which the appeal is disposed of.

The day on which the Secretary of State notifies the applicant in writing of his decision is the day the applicant receives his decision. If the decision is sent by First Class post and addressed to the representative or to the asylum seekers last known address, the decision is deemed to have been received on the second day after the day on which it was posted by the UK Border Agency.

An appeal is disposed of when it is no longer pending for the purposes of the Immigration Acts.

An appeal is pending during the period beginning when it is instituted and ending when it is finally determined, withdrawn or abandoned.

An appeal is finally determined when an application for reconsideration can no longer be made to the High Court under section 103(A)1 or an application can no longer be made to appeal on a point of law to the Court of Appeal under section 103B or 103E of the Nationality, Immigration and Asylum Act 2002, as amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

If neither party appeal against the first appeal determination, the appeal is finally determined 5 working days after the determination is deemed to have been served.

If the determination is further appealed, the Tribunal will determine whether there is an error of law. If the Tribunal finds there is an error of law the appeal will be sent back to the AIT to reconsider. Once this appeal is determined either party have 10 working days to further appeal the determination to the Court of Appeal. If no further appeal is lodged the appellant is deemed to have exhausted his/her appeal rights.

Grace Periods

Applicants are entitled to receive asylum support for a prescribed period after they have been notified of the decision on their asylum application or after the day on which their appeal is disposed of (see section 94(3)(B) of the Immigration and Asylum Act 1999). This gives applicants the opportunity to make arrangements for additional accommodation and support or

to make arrangements for their departure from the UK. For support purposes, an applicant ceases to be an asylum seeker after the prescribed period ends.

The prescribed periods are:

- 28 days when the Secretary of State notifies the claimant of the decision to accept the asylum claim or the appeal is disposed of by being allowed (30 days if the decision is served by post).
- 21 days in any other case.

There is no legislative power to provide support beyond the 21 or 28 day prescribed period. Therefore, support must be ceased at the end of the prescribed period. However, in cases where the asylum seeker's household includes a dependent child, who was dependent on the asylum support application before the end of the prescribed period, he may remain eligible to receive support after the prescribed period ends. For further guidance, see Supported persons whose household includes a dependent child under the age of 18.

Right of Appeal

There is **no right of appeal** against termination of support resulting from the fact that a person's status as an asylum seeker has ceased because this is when support would normally come to an end. However applicants sometimes submit an appeal to the First-Tier Tribunal - Asylum Support. If an appeal is submitted, officers should comply with any directions from the Tribunal.

Section 4 Support

In certain cases support may be provided under Section 4 of the Immigration and Asylum Act 1999 to eligible applicants. For guidance on when Section 4 support can be provided, see the Asylum Instruction [Section 4 Support](#).

Supported Persons Whose Household Includes a Dependent Child Under the age of 18

If an asylum seeker's household includes a child who is under 18 and a dependent of his, he is to be treated (for asylum support purposes) as continuing to be an asylum seeker while the child is under 18 and he and the child remain in the United Kingdom providing the dependant was part of the household before the time when the applicant became Appeal Rights Exhausted. Support will not be discontinued in these cases unless:

- refugee status or other leave to remain is granted; **or**
- they fail to comply with the conditions of Asylum Support.

In these circumstances ASYS should be amended to show the new status of the asylum claim. No action to terminate support should be taken and the status on ASYS should continue to reflect the current status of the asylum support application.

Support will continue while:

- the dependant is under 18; and
- the main applicant and the dependant remain in the United Kingdom; and
- the dependant continues to be dependent on the supported person; and
- the dependant continues to be part of the household.

A "bring forward" (BF) system must be used to ensure that the case is identified 4 weeks before the youngest child's 18th birthday in order that support can be ended on the birthday and 21 days notice given.

Support may be discontinued if families fail to comply with the conditions of Asylum Support. Case Owners should refer to the section titled 'Investigating a breach of conditions' of the Asylum Instruction [Withdrawal of asylum support - breach of conditions](#) for guidance.

Women Who Give Birth Around the Time that their Support Ends

A pregnant woman, whether single or part of a couple, who has no other minor dependants will cease to be eligible for support when her asylum claim is determined according to the definition in section 94 (3) of the [Immigration and Asylum Act 1999](#).

If the child is born within the prescribed (grace) period (21 days if the decision is served in person; 23 days if served by post) following a negative outcome on their asylum application, then support under section 95 continues until either the mother or child leaves the UK or until the child turns 18.

For guidance on adding and removing dependants, see the Asylum Instruction [Dependants on a Support Application](#).

If the child is born outside the prescribed period (21 days if the decision is served in person; 23 days if served by post) then the mother and child may be eligible for support provided under section 4 of the 1999 Act, subject to fulfilling eligibility criteria. The local authority may also have the power to support the child under section 17 (services for children in need) or under section 20 (accommodation) of the Children Act 1989. For further guidance see the Asylum Instruction [Section 4 Support](#).

High Court Injunctions

Support should not be stopped if a High Court injunction is obtained on behalf of the supported asylum seeker that prevents support from being withdrawn until the court decides one way or the other.

One Stop Service

A One Stop Service (OSS) provider is an external voluntary agency, which receives funding from the UK Border Agency to deliver aspects of the asylum support service. A letter must be sent to the Service nearest to the applicant's place of residence to advise them that support is to be discontinued.

Updating ASYS/Serving Decision

Asylum support can only be discontinued through ASYS. Follow the guidance as set out in the manuals, Commence Termination Tool and Terminating an Application when ceasing support. Support must be discontinued manually using these instructions and following the guidance in this instruction.

If support is being ceased manually, use ASYS to produce letters that advise the applicant, the One Stop Service provider and the accommodation provider that support is going to be discontinued. All the letters produced in ASYS can and will need to be edited. The letters that need to be produced and guidance on editing them, are set out in the Applicants granted leave to enter/remain in the UK, Asylum/Article 3 Application Refused Outright, Withdrawn asylum applications and No longer in the UK sections.

Support for asylum cases that are being considered by the Case Resolution Directorate can be ceased automatically by the bulk cessation tool. If this takes place, the letters will be generated and issued by the Status Discontinuations and Restarts team. Officers must ensure that CID is updated with the following data to ensure that the bulk cessation tool on ASYS can be used to initiate the discontinuation process.

- HO Reference
- Full name
- Nationality
- Date of Birth
- Address
- Representative address
- Date raised (date of application)
- Case outcome
- Case outcome date
- Final appeal stage outcome date (last stage of the appeal process the case reaches)
- Decision dispatched date
- Asylum support reference (on ASYS)
- Cessation date (date decision dispatched)

Applicants Granted Leave to Enter/Remain in the UK

A grant of leave is classified as:

- Refugee Leave
- Humanitarian Protection (HP)
- Discretionary Leave

Applicants who are granted Asylum, Humanitarian Protection or Discretionary Leave are not eligible to receive asylum support after the 28-day grace period has come to an end.

When the decision to grant leave is served on the applicant, the applicant is warned that their asylum support will cease in 28 days.

Support must be ceased using ASYS. Refer to the ASYS Manuals Commence Termination Tool and Terminating an Application.

A case must be set to 'In Termination' until support can be discontinued. Once ASYS is set to 'Terminated', support cannot be reinstated without a new application being made.

When an applicant is granted leave to enter or remain, officers must update ASYS and produce all paperwork relating to support on the same day that the decision is entered into CID.

All paperwork relating to their support must be served by officers at the same time as the decision on their asylum claim.

The letters that should be produced are set out below. All letters produced in ASYS can and should be edited as detailed below.

Termination letter to the applicant (NASS 61)

Where the supported person is in receipt of subsistence support, the Case Owner must enter details of the date of their final payment and the amount of that final payment. This must be sent to the applicant along with the DWP notification letter (NASS35).

- Choose either 95 or 98 to indicate the type of support being received.
- The eviction date should be amended so it is the accommodation end date.
- In paragraph 6, select either UK Border Agency or Initial (Accommodation)
- The sentence "If you believe that your support should continue because your claim for asylum is pending, evidence of this with your relevant reference numbers should be faxed to..." should be amended to include the Case Owner's contact details.

Notification to the One-Stop Service (NASS 63)

This letter advises the nearest voluntary sector One Stop Service that support is to be discontinued. Identify the appropriate One Stop Service and address the letter accordingly.

- Choose either 95 or 98 to indicate the type of support being received.
- The sentence "Please note, if the applicant has raised an issue about their asylum claim" should be amended to include the Case Owner's details.

Notification to the Accommodation Provider (NASS 64)

This letter advises the accommodation provider that support is to be discontinued and advises them to issue the applicant with a minimum 7 day notice to quit. The accommodation provider must be given a minimum of 10 business days notice to allow them time to do this. Where possible the 7 days should be timed to coincide with the expiry of the 28 day prescribed period. Notice to quit is produced by the accommodation provider and served on the supported person. The Notice to Quit must be in writing and fulfil the requirements of Regulation 22 of the Asylum Support Regulations 2000. This notice is deemed to have been served on the supported person two working days after the notification to the accommodation provider is sent.

Where the supported person is living in dispersal, initial or spot booked accommodation, caseworkers must:

- Generate the NASS 64 on ASYS
- Choose either 95 or 98 to indicate the type of support being received
- Amend the eviction date so it is the accommodation end date.
- Enter the accommodation end date at the bottom of page 3.
- Print the letter and post it on to the Collaborative Business Portal.
 - If the portal is not available, the letter must be posted to the accommodation provider via recorded delivery.
 - Ensure that the letter has been received by the provider using [Track and Trace](#).
- Place copies of all correspondence on file.
- Fully minute ASYS with details of all actions taken including telephone conversations with the provider or any other parties.
- Update the file accordingly.

Letter to the DWP (NASS 35)

The NASS35 is sent with the termination letter stating that Asylum Support is to be discontinued and showing details of the support that the supported person has received since being granted leave. The supported person should present this to the JobCentre Plus when applying for benefits.

The NASS 35 is generated by ASYS. The letter must include a photograph of the supported person. The photograph can either be the one submitted with the Asylum Support application form or the electronic image captured when the ARC was prepared.

If no photograph is available, for example when a dependent is granted status separately or the photograph is unusable, then the discontinuation letter must be sent with a request that photographs be submitted in order that a NASS35 may be issued.

Included with the NASS35 should be the Benefit Information leaflet in an appropriate language (the English version is shown in the Standard Letter catalogue).

Applicants and their dependants aged 18 and over, granted asylum or humanitarian protection after 11 June 2007, will have the opportunity to apply for an integration loan. The loan is designed to give these individuals financial help to obtain a specific item or activity to assist with their integration into the UK. This could relate to accommodation, education or

employment. The integration loan scheme will be financed from the savings made by the abolition of backdated benefits.

If a NASS35 is produced and sent out in error, either as a result of incorrect information from CID in respect of the asylum outcome, or with incorrect personal details about the applicant, then before a new NASS35 is issued and/or support reinstated the applicant must return the erroneous NASS35 to the UK Border Agency.

Asylum/Article 3 Application Refused Outright

If an applicant no longer has an undetermined asylum claim, an undetermined Article 3 claim under the European Convention of Human Rights or a pending appeal, they cease to be eligible for Section 95 support under the provisions of the Immigration and Asylum Act 1999 and support must be discontinued unless their household includes a dependent child under the age of 18.

Applicants are warned that their support is going to be ceased in 21 days when they are advised of the decision on their asylum claim. This warning is contained in the information and advice leaflet given to them with the decision paperwork and the NASS 60. If the decision is to be communicated by post, an extra two days is added to the 21 day cessation period.

Caseworkers must produce the NASS 60 at the same time that CID is updated with the asylum decision and must serve this letter to the applicant at the same time that the asylum decision is served. The case worker must also produce the NASS 64 and post it onto the Collaborative Business Portal in accordance with the section Notification to the accommodation provider (NASS 64).

The caseworker must inform the applicant that if they submit an appeal, the NASS 60 will no longer be valid and a new NASS 60 will be produced when they become appeal rights exhausted.

If the applicant has an out of country right of appeal, support will cease 21 days after the applicant is notified of the decision on their asylum application unless the household includes a dependent child under the age of 18.

By operation of section 17(2) of the [UK Borders Act 2007](#), a person remains an asylum seeker during the period when they can bring an in country right of appeal or an in country right of appeal is brought. If the applicant has an in country right of appeal, support will cease 21 days after the applicant is notified of the decision on their claim. The applicant has 10 working days after they receive the decision on their asylum claim in which to lodge an appeal.

Caseworkers must cease support using ASYS, referring to the ASYS User Manuals Commence Termination Tool and Terminating an Application. Case Owners should ensure that a case is set to 'In Termination' until they are sure that support can be discontinued. Once ASYS is set to 'Terminated', support cannot be reinstated without a new application being made.

A review should be set for the 11th day after the decision to refuse leave was received by the applicant to establish whether an appeal has been submitted.

No Appeal

If an appeal is not received, asylum support can be ceased unless their household includes a dependant child under the age of 18.

Appeal

If an appeal is submitted, support cannot be ceased until the applicant is appeal rights exhausted. If their household contains a dependant under 18, Caseworkers should refer to Supported persons whose household includes a dependent child under the age of 18.

As soon as notification of the appeal is received, the caseworker must:

- Post a letter on to the Collaborative Business Portal informing the accommodation provider that the applicant is eligible to remain in their accommodation.
- Delete the accommodation end date from ASYS.
- Change the support type to Allocated.

If an appeal is submitted and the appeal is dismissed, caseworkers will need to produce another NASS 60, which will contain the new date on which support is going to cease, the NASS 62 and the NASS 64.

When an applicant's case becomes Appeal Rights Exhausted (ARE), caseworkers must update ASYS and produce all paperwork relating to support **on the same day that the ARE date is entered into CID**. If this is not done, discontinuation action may be taken automatically by the Bulk Cessation Tool rather than the caseworker.

The grace period will commence **on the date the appeal is Finally Determined**, and therefore caseworkers must ensure that the asylum support paperwork is served as close to the ARE date as possible. The date support ends will be the end of the grace period, currently 21 days from the date the appeal ceases to be pending.

Late Appeals

If an appeal is submitted after support is ceased and it is accepted as "in time" then the applicant becomes eligible for support.

If, at this time, support has been fully terminated because no appeal was received, then a new application for support must be made.

If support has not been fully terminated then support should continue until the applicant becomes Appeal Rights Exhausted. Caseworkers must take the following action:

- Post a letter on to the Collaborative Business Portal informing the accommodation provider that the applicant is eligible to remain in their accommodation.
- Delete the accommodation end date from ASYS
- Change the support type to Allocated.

Caseworkers should refer to the Asylum Instruction [Appeals Not Lodged By The 'Appeal By' Deadline](#) for further guidance on late asylum appeals.

If support is terminated and an appeal is submitted, caseworkers may have to reinstate support. Guidance on reinstating support can be found in the section Applications for support to be reinstated.

The following letters should be produced. All letters produced in ASYS must be edited as detailed below.

Warning letter to the applicant (NASS 60)

Where the supported person is in receipt of subsistence support, the date of their final cash support payment and the amount of that final payment must be entered.

- Choose either 95 or 98 to indicate the type of support being received.

- If the decision is being served in person and no appeal has been submitted, the sentence 'Support is provided for a period of 21 days following the notification of the resolution of your asylum claim, which is deemed to be received 2 days following the determination of your asylum application' should be amended to 'Support is provided for a period of 21 days following the notification of the resolution of your asylum claim'.
- If the decision is being served after the applicant becomes Appeal Rights Exhausted, the sentence 'Support is provided for a period of 21 days following the notification of the resolution of your asylum claim, which is deemed to be received 2 days following the determination of your asylum application' should be amended to 'Support is provided for a period of 21 days following the date your appeal was finally determined'.
- The sentence - 'Our records show that your claim for asylum was determined on the [date], therefore the period of support ends on [date]' must be replaced with:
 - 'You have been notified of the decision on your asylum claim on [date], therefore your support ends on [date].'
 - Or if the applicant is Appeal Rights Exhausted:
 - 'Your appeal was finally determined on [date], therefore your support ends on [date, ie 21 days after the date the appeal was finally determined].'
- The eviction date should be amended so it is 21 days after the decision dispatch/service date (or 23 days if the decision was served by post).
- In paragraph 6, select either UK Border Agency or Initial Accommodation.
- The sentence "If you believe that your support should continue because your claim for asylum is pending, evidence of this with your relevant reference numbers should be faxed to..." should be amended to include the Case Owner's contact details.
- The reference to the International Organization for Migration should be removed.
- The references to the Section 4 Team should be removed and replaced with the Case Owner's details as the Case Owner will be responsible for handling all section 4 enquiries.

Notification to the One-Stop Service (NASS 62)

This letter advises the nearest One Stop Service that support is to be discontinued.

- Choose either 95 or 98 to indicate the type of support being received.
- The sentence "If you believe that your support should continue because your claim for asylum is pending, evidence of this with your relevant reference numbers should be faxed to..." should be amended to include the Case Owners contact details.
- The reference to the International Organization for Migration should be removed.

Notification to the accommodation provider (NASS 64)

This letter advises the accommodation provider that support is to be discontinued and advises them to provide the applicant with a 7 day notice to quit. The accommodation provider must be given a minimum of 10 business days notice to allow them time to do this. This notice is generated by the accommodation provider and is between the provider and the supported person. This notice is deemed to have been served on the supported person two working days after the notification to the accommodation provider is sent.

- Generate the NASS 64 on ASYS.
- Choose either 95 or 98 to indicate the type of support being received.

- Amend the eviction date so it is 21 days after the decision service date (or 23 days if the decision was served by post).
- Enter the accommodation end date at the bottom of page 3.
- Print the letter and post it on to the Collaborative Business Portal.
 - If the portal is not available, the letter must be posted to the accommodation provider via recorded delivery.
 - Ensure that the letter has been received by the provider using [Track and Trace](#).
- Place copies of all correspondence on file.
- Fully minute ASYS with details of all actions taken including telephone conversations with the provider or any other parties.
- Update the file accordingly.

Withdrawn Asylum Claims

If an applicant withdraws their asylum claim, he is not eligible for asylum support as he is no longer someone who has made a claim for asylum. Applicants are not entitled to a grace period as there has not been a decision on the asylum claim. However, caseworkers should note that if the applicant withdraws his appeal, he will be entitled to a grace period.

Caseworkers should also note that if the application for support is still under consideration when the asylum application is withdrawn, the application for support should be refused on the grounds that the person is not an asylum seeker.

If the person is already being supported then cash support should be discontinued immediately. Accommodation providers must be given 10 business days notice that an applicant is required to leave the accommodation so they can give the statutory 7 day notice to quit.

If the supported person occupies dispersal, emergency, or spot-booked accommodation, the caseworker must ensure that the accommodation provider is notified that the accommodation is now cancelled.

Caseworkers must discontinue support using ASYS. Refer to the ASYS User Manuals Commence Termination Tool and Terminating an Application.

The letters to the applicant, the one stop service and the accommodation provider must be produced and dispatched on the same day that CID is updated. If this is not done, support may be ceased by the Status Discontinuations and Restarts team.

Caseworkers should note that a case must be set to 'In Termination' until they are sure that support can be discontinued. Once ASYS is set to 'Terminated', support cannot be reinstated without a new application being made.

The following letters should be produced using ASYS. The letters should be edited as detailed below.

Warning letter to the applicant (NASS 60)

Where the supported person is in receipt of subsistence support, enter details of the date of their final cash support payment and the amount of that final payment.

- Choose either 95 or 98 to indicate the type of support being received.
- The eviction date should be amended so it is the accommodation end date.
- The sentence 'Support is provided for a period of 21 days following the notification of the resolution of your asylum claim, which is deemed to be received 2 days following the determination of your asylum application' must be deleted if there is not a grace period.
- The sentence 'Our records show that your claim for asylum was determined on the [date], therefore the period of support ends on [date]' must be replaced with one of the following options:
 - 'Your asylum application is deemed to have been withdrawn on [date], therefore your support ends on [date].'
 - or
 - 'Your appeal is deemed to have been abandoned on [date], therefore your support ends on [date].'
- In paragraph 6, select either Asylum Support or Initial.

- The sentence “If you believe that your support should continue because your claim for asylum is pending, evidence of this with your relevant reference numbers should be faxed to...” should be amended to include the Case Owner’s contact details.

Notification to the One-Stop Service (NASS 62)

This letter advises the nearest one stop service that support is to be discontinued.

- Choose either 95 or 98 to indicate the type of support being received.

Notification to the Accommodation Provider (NASS 64)

This letter advises the accommodation provider that support is to be discontinued and advises them to issue the applicant with a 7 day notice to quit. The accommodation provider must be given a minimum of 10 business days notice to allow them time to do this. This notice is generated by the accommodation provider and is between the provider and the supported person. This notice is deemed to have been served on the supported person two working days after the notification to the accommodation provider is sent.

- Generate the NASS 64 on ASYS
- Choose either 95 or 98 to indicate the type of support being received
- Amend the eviction date so it is the 10th day after the decision service date.
- Enter the accommodation end date at the bottom of page 3.
- Print the letter and post it on to the Collaborative Business Portal.
 - If the portal is not available, the letter must be posted to the accommodation provider via recorded delivery.
 - Ensure that the letter has been received by the provider using [Track and Trace](#).
- Place copies of all correspondence on file.
- Fully minute ASYS with details of all actions taken including telephone conversations with the provider or any other parties.
- Update the file accordingly

There is no right of appeal against termination of support where the asylum claim has been withdrawn.

No Longer in the UK

If information is received indicating that the applicant has left the UK, support must be discontinued as soon as the information has been verified. Where an Immigration Officer's report has been received confirming embarkation, then such verification is not necessary. Where the information is received from another source, this must be confirmed. This should be done by writing to the asylum seeker at their authorised address advising them that information has been received that they have left the United Kingdom, that their support is being discontinued and that they must respond immediately if they require support. If they fail to reply within 5 days their support must be terminated with immediate effect.

Applicants are **not** entitled to a right of appeal as the asylum claim is treated as being withdrawn or appeal abandoned.

Discontinue support using ASYS. Refer to the ASYS User Manuals Commence Termination Tool and Terminating an Application.

Ensure that the asylum application status on the "Person" form within ASYS has been amended to reflect the current status of the case. The high level status on ASYS on the accommodation and subsistence forms must be amended to read "In Termination or Termination Appeal" choose the comment "termination proceeding" from the drop down list.

A case must be set to 'In Termination' until the case worker is sure that support can be discontinued. Once ASYS is set to 'Terminated', support cannot be reinstated without a new application being made.

The following documents should be produced via ASYS. The letters should be edited as detailed below.

Warning letter to the applicant (NASS 60)

- The first paragraph should be amended to: "The UK Border Agency has received information that you have left the United Kingdom. I am writing to advise that you are no longer eligible for support under section 95/98 (**delete as appropriate**) of the Immigration and Asylum Act 1999 because you are no longer an asylum seeker and as such your support is being discontinued. For your support to continue you must respond immediately by telephoning the number given above (replace '...the number given above' with the Case Owner's telephone number)".
- Choose either section 95 or 98 to indicate the type of support being received.
- The eviction date should be amended so it is the accommodation end date.
- The sentence 'Support is provided for a period of 21 days following the notification of the resolution of your asylum claim, which is deemed to be received 2 days following the determination of your asylum application' must be deleted as there is not a grace period.
- The sentence 'Our records show that your claim for asylum was determined on the [date], therefore the period of support ends on [date]' must be replaced with one of the following options:
 - 'Your asylum application is deemed to have been withdrawn on [date], therefore your support ends on [date].' **or**
 - 'Your appeal is deemed to have been abandoned on [date], therefore your support ends on [date].'

- In paragraph 6, select either UK Border Agency or Initial.
- The sentence “If you believe that your support should continue because your claim for asylum is pending, evidence of this with your relevant reference numbers should be faxed to...” should be amended to include the Case Owner’s contact details.
- Where the supported person is in receipt of subsistence support, the Case Owner must enter details of the date of their final cash support payment and the amount of that final payment.

Notification to the One-Stop Service (NASS 62)

This letter advises the nearest One Stop Service that support is to be discontinued.

- Case Owners must choose either section 95 or 98 to indicate the type of support being received.

Notification to the accommodation provider (NASS 64)

This letter advises the accommodation provider that support is to be discontinued and advises them to issue the applicant with a 7 day notice to quit. The accommodation provider must be given a minimum of 10 business days notice to allow them time to do this. This notice is generated by the accommodation provider and is between the provider and the supported person. This notice is deemed to have been served on the supported person two working days after the notification to the accommodation provider is sent.

- Generate the NASS 64 on ASYS
- Choose either 95 or 98 to indicate the type of support being received
- Amend the eviction date so it is the 10th day after the decision service date.
- Enter the accommodation end date at the bottom of page 3.
- Print the letter and post it on to the Collaborative Business Portal.
 - If the portal is not available, the letter must be posted to the accommodation provider via recorded delivery.
 - Ensure that the letter has been received by the provider using [Track and Trace](#).
- Place copies of all correspondence on file.
- Fully minute ASYS with details of all actions taken including telephone conversations with the provider or any other parties.
- Update the file accordingly

There is no right of appeal against termination of support where the asylum claim has been withdrawn.

Overpayments

When ceasing support, calculate whether an applicant has received more asylum support than they are entitled to. If an overpayment has been made, applicants may be required to repay the additional support that has been paid.

Refer to [Asylum Support Policy Bulletin 67](#) for guidance on overpayments.

Once an overpayment has been identified, calculate the amount overpaid.

Caseworkers must complete the Overpayment Referral Form and forward it to the Overpayments Recovery Team.

Application for Support to be Reinstated

Asylum support ends when an applicant's asylum claim is fully determined and the appropriate prescribed period has ended. See Asylum Support for guidance on prescribed periods.

Applicants whose support has been discontinued before then are able to request that their support is reinstated.

Applications for support to be reinstated where support has been terminated for reasons such as failure to travel or breach of conditions will go to appeal at the First-Tier Tribunal - Asylum Support.

Case Owners should instigate investigations on their own cases where it is alleged that support has been incorrectly discontinued.

Applications for support to be reinstated should be considered and decisions served within three days of receiving the application.

Applications for reinstatement of support must be received in writing before the case is investigated.

Upon receipt of the application, CID and ASYS should be checked to find out if an application for support to be restarted has been made before.

CID and ASYS must be noted that a request for reinstatement of support has been made.

The application should be investigated using resources such as CID, ASYS, First-Tier Tribunal - Asylum Support and the case file.

When investigating the claim, check the following:

- If the decision was served by post, was it sent to the correct address?
- Is the asylum or human rights claim still outstanding?
- Has the applicant received his/her asylum decision or appeal determination?
- Has the applicant lodged an appeal in time?
- Has the immigration judge ruled that an out of time appeal be treated as in time?
- Was the applicant Appeal Rights Exhausted when support was terminated?
- Does the applicant have a court order directing that section 95 support be reinstated?
- Has the applicant a minor dependant who was part of their household before the end of the grace period?

Reinstatement table

Refer to the following table when deciding whether to reinstate support.

Outcome	Decision	EXCEPTIONS
Decision not served (Refusal, Grant of Status)	REINSTATE	Don't reinstate if the RFRL has been sent to correct address and returned.
Appeal Lodged IN TIME (Adjudicator Appeal, PTA – Tribunal, Statutory Review, PTA – Court of Appeal)	REINSTATE	
Applicants with minor dependants	REINSTATE	
Decision withdrawn/reconsidered (“fatally flawed”)	REINSTATE	
Appeal Lodged OUT OF TIME (Adjudicator Appeal, PTA –Tribunal, Statutory Review, PTA – Court of Appeal)	NO REINSTATEMENT	
Seeking or proceeding through Judicial Review	NO REINSTATEMENT	
Granted Leave (Leave to Remain/Discretionary Leave/Humanitarian Protection)	NO REINSTATEMENT	Unless grant letter has not been served (see above). NASS 35 must be returned – if sent out – before support can be reinstated.
Removed/Voluntarily left country (VARP)	NO REINSTATEMENT	
Fresh Asylum Claim	NO REINSTATEMENT	
Breach (of asylum support conditions) Terminations/ Absconders	NO REINSTATEMENT	
Seeking/Granted Hard Case (Section 4) support	NO REINSTATEMENT	
Appeal to the European Court of Human Rights	NO REINSTATEMENT	

A reply should be faxed, posted or served in person to the applicant or their representatives. This letter must inform the applicant whether support was correctly or incorrectly discontinued, the reasons why it was correctly or incorrectly discontinued and what action will now be taken. This letter should be saved on to ASYS.

If an applicant wishes to apply for support to be reinstated they must submit a fresh Asylum Support application form in the following circumstances:

- A fresh asylum/Article 3 ECHR claim is lodged and accepted as such;
- An out of time appeal is lodged and allowed to proceed.

A note detailing the decision must be entered onto CID and ASYS.

If it is decided that support should be reinstated, use ASYS to reinstate support.

Glossary

Term	Meaning
NASS 35	Letter to the DWP
NASS 60	Termination letter to the applicant
NASS 61	Warning letter to the applicant
NASS 62	Notification to One Stop Provider (for applicants refused leave)
NASS 63	Notification to One Stop Provider (for applicants granted leave)
NASS 64	Termination letter to the Accommodation provider

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	BF	22/02/07	Style changed to suit web 'look' and amalgamated with support processes
2.0	M.Miller	28/03/07	Removed reference to voided instruction
3.0	M.Miller	08/05/07	Added NASS 64 Confirmation slip
4.0	B.Foyle	11/06/07	Addition of Integration Loan information
5.0	C.Browne	25/06/07	Amendment to grace period
6.0	M.Miller	31/10/07	Addition of minimum data set to be entered into ASYS
7.0	M Miller	31/10/08	Re-branded
8.0	M Miller/B Foyle	07/01/09	Reflects decision to cease printing NASS35s on secure paper, and laminating. Update to branding. Removal of NASS 64 confirmation slip. Amendment to appeal submitted procedure. Update to legislation