



Home Office

The Organisation of Reception Facilities for Asylum Seekers in different Member States

National contribution from the United Kingdom

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Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled European Migration Network (EMN) Focused Study. The contributing EMN National Contact Points have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN National Contact Point's Member State.



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Executive Summary

The UK is committed to providing a place of safety for genuine refugees. The total number of asylum seekers accommodated on 31 December from 2008–2012 has fallen slightly year on year. In 2012 the figure was 17,594 compared with 25,135 in 2008. The numbers of asylum seekers receiving subsistence only has decreased year on year with over 6,000 receiving subsistence only in December 2008 to just over 2,500 receiving subsistence only in December 2012.¹

Generally, asylum seekers are provided accommodation in properties within the community as a whole, rather than in open reception centres. The UK's asylum support legislation allows asylum seekers who are, or are about to become, destitute to apply for support in the form of accommodation and/or a cash allowance to cover their essential living needs.

Part VI of the Immigration and Nationality Act 1999 and the Asylum Support Regulations 2000 set out the regime of support for destitute asylum seekers in the UK. The Home Office retains overall responsibility for the reception of destitute asylum seekers whilst local authorities support unaccompanied asylum-seeking children and asylum seekers with needs above and beyond destitution such as illness and disability.

Whilst awaiting the outcome of an application for support, asylum seekers may find themselves temporarily housed in one of the six Initial Accommodation (IA) centres around the UK. These are full-board facilities where no cash allowances are provided. Asylum seekers may spend around 2–3 weeks in IA, during which time their application for support is considered. Those who are provided support may then be allocated private accommodation in the community and/or an allowance. Applicants are dispersed throughout the UK. The UK does not pay for privately arranged accommodation but asylum seekers in this type of accommodation may apply for subsistence only if they are unable to fund their essential living needs.

The provision of accommodation within the UK's asylum systems is contracted out to private companies, local authorities or housing associations or a combination thereof. The Home Office awarded new accommodation and transport contracts for asylum support services in March 2012. These new contracts are known as COMPASS (commercial and operational managers procuring asylum support services) contracts. The UK's accommodation contracts place the obligation on the provider to respond to changing demand, sourcing and providing additional properties as necessary. This enables demand-led flexibility in the provision of accommodation allowing the UK to respond to the volume of need as this varies. Under the COMPASS contracts the same provider has control over the supply chain and can therefore regulate the supply of sufficient accommodation.

¹ Figures quoted are for asylum seekers in receipt of section 95 support.

Section 1 Different types of reception facilities and different actors

Q1. Please indicate in Table 1 below what type of reception facilities exist in the UK?

Different types of asylum support

Under the terms of the Immigration and Asylum Act 1999, the UK Government may provide, or arrange for the provision of, support for asylum seekers or dependants of asylum seekers, who appear to be destitute or who are likely to become destitute within a 14-day period. If an applicant is not destitute/has sufficient financial means, generally they are not entitled to support and accommodation. Section 98 of the Immigration and Asylum Act allows for the provision of emergency support for asylum seekers. Section 95 of the Immigration and Asylum Act 1999 allows for the provision of support to asylum seekers whose claims are under consideration and section 4 of the Immigration and Asylum Act 1999 allows for the provision of support to refused asylum seekers.

Table 1 Different types of reception facilities

Figures displayed include principal applicants and their dependants being supported in long-term dispersal accommodation provided under section 95 of the Immigration and Asylum Act 1999. The UK reports on the number of persons accommodated in dispersal accommodation on a quarterly basis. However, UK annual totals of persons accommodated are not published, therefore a 'snap shot' of the numbers in dispersed accommodation at a point in time year on year is provided.

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008–2012
Collective initial/transit reception centres	Yes: Asylum seekers may spend 2–3 weeks in Initial Accommodation (IA) centres while their claim is considered.	6 IA centres: London (2 sites); Birmingham, Liverpool, Wakefield, Cardiff and Glasgow.	There are around 1,200 bed spaces available across the 6 IA centres ²	Not available
Collective open reception centres ³	No.	Not applicable.	Not applicable.	Not applicable.
Special reception centres or facilities for vulnerable groups (for example, victims of torture or specific vulnerable female applicants)	No – but if at any stage in the asylum process it comes to light that an adult is a potential victim of trafficking and they need safe accommodation, they are referred to the Government’s contractor responsible for supporting potential victims of trafficking. In England and Wales that contractor is the Salvation Army ⁴ .	Not applicable	Not applicable	Not applicable
Special separate reception centres for unaccompanied minors	No, there are no special reception centres for unaccompanied asylum-seeking children (UASCs). UASCs are supported by local authorities with some funding from the Home Office (Annex 2 note 1).	Not applicable	Not applicable	Not applicable

2 At times when there is high demand above the IA centres’ capacity providers are expected to use available dispersal accommodation as a contingency

3 Open centres means that applicants are free to enter and leave the centre whenever they want.

4 The contractors are the Trafficking awareness raising alliance (TARA) in Scotland and Migrant Helpline in Northern Ireland.

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008–2012
Private houses or flats arranged and paid for by competent authorities	Yes.	As at 31 December 2012 there were 17,594 persons supported in long-term dispersal accommodation and 8,500 accommodation units were being used.	There are no fixed accommodation facilities. The UK's COMPASS accommodation contracts place the obligation on the providers to respond to changing demand, providing additional bed spaces as necessary.	The number of persons accommodated at 31 December in each of the years is as follows 2008: 25,135 2009: 23,840 2010: 18,724 2011: 18,108 2012: 17,594 ⁵
Private hotels arranged and paid for by competent authorities	Yes. This is used on very rare occasions on an emergency basis	No such provision was in place at the end of 2012.	See response above.	Information not available.
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family ⁶	Yes. But individually arranged accommodation is not paid for by the Home Office. Individuals in this type of accommodation are able to apply for subsistence only for essential living needs.	Not available.	Not available.	Not available but the number of asylum seekers in receipt of subsistence only support under section 95 on the 31 December were: 2008: 6,194 2009: 4,672 2010: 3,315 2011: 2,786 2012: 2,588 ⁷ .

5 www.gov.uk/governmentpublications/data-tables-immigration-statistics-october-to-december-2012 Volume 6, no.16.

6 Please specify whether applicants receive (or have the possibility of receiving) a financial allowance in cases where they have individually arranged their accommodation.

7 <https://www.gov.uk/government/publications/data-tables-immigration-statistics-october-to-december-2012> volume 5 no. 17.

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008–2012
Other premises for the purpose of accommodating applicants for international protection, which are arranged and paid for by the competent authorities	Yes.	Dublin Procedures There are no specific facilities for these cases. If they are detained, they will be held in any of the UK's Immigration Removal Centres (IRCs), (Annex 2 note 2). Accelerated Procedures detained fast track (DFT): An asylum claim may be put through the DFT procedure if, after a screening process, it appears to be one that may be decided quickly There are 4 accommodation facilities designated for use in DFT procedures, (Annex 2 note 3).	There are around 1,500 potential bed spaces available for persons detained under the Accelerated Procedures	Total number of asylum main applicants considered for the fast track process each year: 2008: 1,672 2009: 2,112 2010: 2,571 2011: 2,118 ⁸ 2012: figures yet to be released. ⁹

The total number of asylum seekers accommodated (as at 31 December each year) has fallen slightly year on year between 2008 and 2012, but the falls have been much smaller in the last three years (see above figures for accommodation paid for by the competent authorities). There were 17,594 individuals supported in 2012 compared with 25,135 back in 2008. The numbers of asylum seekers receiving subsistence support when compared with the same point each year (31 December) has decreased year on year from over 6,000 receiving subsistence support only in December 2008 to just over 2,500 receiving subsistence support only in December 2012.

8 The figures for numbers on the fast track include some individuals who were considered but were never actually accepted on the fast track system.

9 <https://www.gov.uk/government/publications/data-tables-immigration-statistics-october-to-december-2012> volume 4 no.12.

Q2. Which authority(ies) carry financial responsibility over the reception facilities?

(a) State authorities

The Government, through the Home Office, is financially responsible for the support and accommodation of asylum seekers who are destitute, with the exception of unaccompanied minors.

(b) Local authorities/regional governments

Unaccompanied asylum seeking children (UASCs) are remitted to the care of local authorities under the terms of the Children's Act 1989, with some funding from the Home Office.

(c) External service providers, such as non-governmental organisations (NGOs), actors from the private sector or any other kind of third party involvement?

The Ministry of Justice contracts the Salvation Army to provide assistance to the victims of trafficking in England and Wales. In Scotland, this assistance is provided by the Trafficking Awareness Raising Alliance (TARA) and in Northern Ireland, by Migrant Helpline. Some victims of trafficking may also be asylum seekers or subsequently seek asylum.

Q3. Which authorities carry executive responsibility¹⁰ over the facilities?

(a) State authorities

(b) Local authorities/regional government

(c) External service providers, such as NGOs, actors from the private sector or any other kind of third party involvement?

The Home Office contracts with various private companies across the UK to deal with the day to day running of accommodation provided to destitute asylum seekers.

The Home Office awarded new accommodation and transport contracts for asylum support services in March 2012. These new contracts are known as COMPASS (commercial and operational managers procuring asylum support services) contracts.

To support the key strategic objectives in providing asylum support (including reception services) the UK is split into six geographic regions. In each there is an Initial Accommodation (IA) centre provided and managed under contract by a private sector provider.

¹⁰ Executive responsibility refers to the day-to-day running of the reception facilities and would also, for example, include including quality control of the services provided in the facility.

Q4. In cases where reception facilities are run by local authorities/regional governments or with the involvement of an external service provider (e.g. NGOs or actors from civil society), please indicate whether the reception facilities are centrally coordinated (i.e. does one single authority still carry overall responsibility for the reception of applicants for international protection)?

Yes. The Home Office retains overall responsibility for the reception of asylum seekers, particularly when determining those, who through destitution, are in need of support and accommodation. This is done through a screening process, after which appropriate accommodation may be commissioned from the contracted providers. Yes. The Home Office retains overall responsibility for the reception of asylum seekers, particularly when determining those, who through destitution, are in need of support and accommodation. This is done through a screening process, after which appropriate accommodation may be commissioned from the contracted providers.

Q5. In cases where reception facilities are run by local authorities/regional governments or with involvement of an external service provider (e.g. NGOs or actors from civil society), how is their involvement regulated?

Have any formal coordination mechanisms between the different actors been signed (e.g. cooperation agreements stipulating the division of competences)?

Yes. The current (2012–16) accommodation providers were subject to a tendering process that was completed in early 2012. Each of the providers have commercial and operational managers procuring asylum support services (COMPASS) contracts that are valid for five years. The accommodation standards and control mechanisms are set out in the COMPASS contracts signed by accommodation providers.

Each contract has a statement of requirements (SOR) attached, as well as a schedule setting out a 'performance regime' based on the content of the SOR, with appropriate penalties where necessary. The providers submit performance reports on a monthly basis to the Home Office Immigration Commercial Contract Team in each contract region. The Contract Compliance team undertakes assurance testing of the providers' monthly reports to verify their accuracy. It also undertakes accommodation inspections at first hand and audits at the point of service delivery.

Links to the COMPASS contracts:

www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/compassprogramme/

Section 2 Take up of reception facilities: Factors determining access to the different types of facilities

Q6. Please provide a **short** overview of which applicants for international protection are entitled to reception facilities provided by the state

Table 2 Categories of applicants entitled to reception facilities

Different categories of applicants depending on type/stage of procedure	Entitled to reception facilities (yes/no)	Are these applicants entitled to standard or specific reception facilities? ¹¹
Applicants under Dublin II ¹²	Possibly, if they are destitute and not detained.	Standard if not detained.
Applicants in admissibility procedures ¹³	Not applicable. In the UK, apart from those dealt with under Dublin procedures, there is not an inadmissible clause. The UK considers all other claims substantively	Not applicable
Applicants subject to Accelerated Procedures	Yes. If detained. If not detained, then they would need to prove destitution.	Standard.
Vulnerable groups of applicants ¹⁴ (with specific psychological/ medical assistance needs)	Yes, if destitute.	Standard, with reasonable adjustments if necessary and/or possible: for example, ground floor accommodation, wheelchair access, handrails.
Unaccompanied minors awaiting decision for international protection	Yes, but not by mainstream reception services. Whilst they remain a minor, their accommodation and support is provided by local authorities.	Remitted to the care of local authorities under the Children's Act 1989.
Unaccompanied minors who have exhausted the procedure for international protection and are awaiting return	Yes, but as above.	Remitted to the care of local authorities under the Children's Act 1989.
Applicants who have lodged an appeal procedure	Yes, if destitute.	Standard.

11 Specific reception facilities refer to facilities that divert from mainstream reception facilities, for example, depending on the type of applicant, or stage/procedure.

12 Applicants under Dublin II means those applicants for whom a Dublin procedure has been initiated, and who are awaiting a Dublin decision determining the responsible country for examining the asylum claim.

13 Admissibility procedures refer to the stage of the application in which (Member) States determine whether an application will or will not be considered in substance based on the criteria laid down in Article 25 of Directive 2005/85/EC (the Asylum Procedures Directive) These stipulate circumstances in which Member States are allowed to declare an application as inadmissible and are subsequently not required to examine the application.

14 The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors; disabled people; elderly people; pregnant women; single parents with minor children; and persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

Different categories of applicants depending on type/stage of procedure	Entitled to reception facilities (yes/no)	Are these applicants entitled to standard or specific reception facilities? ¹¹
Applicants who have lodged a subsequent application	Yes, if destitute.	Standard.
Applicants who have received a positive decision on their international protection application¹⁵	No. Persons who have received a positive decision on their application are given full access to mainstream welfare benefits. They have 28 days from the grant of status to make transfer arrangements with the appropriate services.	Not applicable.
Applicants who have exhausted the procedure for international protection and who are awaiting return	Yes. Usually failed asylum seekers are entitled if they are able to show that there is a barrier preventing them from leaving the UK and they are destitute. They may apply for section 4 support. The criteria are set out in Regulation 3(2) of the Immigration and Asylum Regulations 2005, (Annex 2 note 4).	Standard.
Other (for example, applicants from other EU Member States, families with children with an irregular migrant status, applicants from safe third countries of origin), please specify	<p>Apart from European Economic Area (EEA) nationals and their dependants, and those with refugee status abroad and their dependants, as long as applicants for support are asylum seekers and are destitute, they may be entitled to support and/or accommodation from the UK Government.</p> <p>EEA nationals and their dependants, and those with refugee status abroad and their dependants, are prescribed by Schedule 3 to the Nationality, Immigration and Asylum Act 2002 as ineligible for various state benefits, including support or assistance, under a provision of the Immigration and Asylum Act 1999. This means that they may not be provided with asylum support under sections 4, 95 or 98 except to the extent necessary to prevent a breach of a person's rights under the European Convention on Human Rights (ECHR) or under the Community Treaties.</p>	<p>Standard.</p> <p>Not applicable</p>

¹⁵ If possible please specify for what duration they are still entitled to reception facilities.

Q7. From the aforementioned categories of applicants who are entitled to reception, can any be excluded from reception facilities for particular reasons (e.g. because the applicant has sufficient financial means, or because the applicant has misbehaved in a reception facility, or any other reasons)?

Yes. Under the terms of the Immigration and Asylum Act 1999, the UK Government may provide, or arrange for the provision of, support for asylum seekers or dependants of asylum seekers, who appear to be destitute or who are likely to become destitute within a 14-day period. If an applicant is not destitute/has sufficient financial means, they are not entitled to support \ and accommodation.

In 2005, when implementing the European Council Directive that laid down minimum standards for the reception of asylum seekers, a number of changes were made to UK domestic legislation. Regulation 20 of the Asylum Support Regulations 2000 was amended to set out when support may be suspended or discontinued.

As a result, there are conditions mirroring the legislative provisions, attached to the provision of support and accommodation. These conditions are set out in the Asylum Support Agreement, which each recipient of asylum support should sign when provided with that support. Should the applicant or their dependants breach these conditions, support and accommodation may be withdrawn.

The conditions, in short, are that the applicant or their dependants:

- must travel to the dispersal accommodation in accordance with arrangements made;
- must reside at the authorised address;
- must adhere to the rules of the accommodation;
- must not behave in a violent manner;
- must collect their cash regularly;
- must comply with any reporting restrictions imposed on them by an immigration officer;
- must comply with requests from the Home Office for:
 - information about their asylum claim;
 - Information about their asylum support; or
 - attendance at an interview about asylum support; and
- must inform the Home Office of any changes in circumstances that may affect their support

Q8. a) Does the UK carry out an assessment of vulnerability, which could result in assignment to special reception facilities for vulnerable groups of applicants?

It is standard practice to check for possible vulnerabilities at time of asylum screening and/or at later interviews, but there are no special reception facilities for vulnerable groups, apart from the separate processes for trafficked persons or unaccompanied asylum-seeking children (UASCs). Most applicants are housed in standard accommodation, but reasonable adjustments may be made if necessary.

The UK takes account of vulnerability in a number of ways when providing accommodation and other support to destitute asylum seekers. However, special measures include:

- arrangements to house victims of torture near to where they are receiving medical treatment to cope with the effects of trauma;
- placing pregnant women in accommodation centres with on-site medical teams and not moving them to longer term accommodation until at least four weeks after they have given birth;
- provision to adapt accommodation to meet the needs of persons with disabilities (for example, by using ground floor accommodation);
- continued support entitlement for failed asylum seekers with children (in order to safeguard their welfare).

It is the Home Office's responsibility to provide for destitute asylum seekers. However, there are asylum seekers whose ability to live independently is affected by their age, an illness or a disability. As a result, they can be described as having a need for 'care and attention' above and beyond destitution. In such cases, the local authority where they are resident may have a responsibility to provide for that need for care and attention.

Q8. b) If yes, please indicate whether the assessment of vulnerability is:

a) Obligatory and laid down in law

Yes, local authorities have a duty to provide for:

- UASCs under section 20 of the Children Act 1989; and
- those whose care need has not arisen because the applicant is destitute or because of the effects of destitution (section 21 of the National Assistance Act 1948).

b) Standard practice

It is standard practice to check for possible vulnerabilities at the time of asylum screening and/or at later interviews.

c) Optional

No.

Q9. Which authority(ies) carry responsibility for deciding on the allocation of applicants for international protection to different reception facilities?

Briefly indicate the responsible authority(ies).

Specific teams within the Home Office have responsibility for allocating applicants to reception facilities based on information gathered at screening interviews or from appropriate application forms.

Q10. How do these authorities allocate applicants to different types of reception facilities?

Please state whether one of the scenarios below, or a combination thereof, are applicable to the UK and briefly describe:

i) Capacity

No.

ii) Dispersal mechanism

Yes. There is a limited supply of accommodation within London and the South East of England. Therefore asylum seekers provided with accommodation are dispersed around the UK, generally outside London, to areas of the country where there is a better supply of housing. Exceptions can be made, for example, where a person needs to remain in London or the South East of England for specialist health care or other reasons.

Dispersal takes account of:

- availability of suitable accommodation;
- cultural fit of asylum seekers;
- capacity of support services;
- local housing strategies; and
- risk of increasing social tension.

The accommodation provider is responsible for liaising with local authorities on these matters in order to determine the local area capacity for dispersal. Local authorities in turn seek equitable dispersal.

iii) Type of asylum procedure

- For example, applicants who fall under the Dublin II Regulation are accommodated in specific reception facilities;
- Applicants subject to Accelerated Procedures are assigned to specific reception facilities; etc.

Only if the applicants are to be detained are they assigned to specific reception facilities.

iv) Stage of asylum procedure

No.

v) Profile of the asylum applicant

No.

vi) Duration of the asylum procedure

The UK moves applicants for international protection from one facility to another after a certain time period has elapsed.

No.

vii) Other criteria (e.g. family composition)?

No.

Q11. Is the process for assignment of applicants to different reception facilities:

a) Laid down in legislation?

No.

b) Outlined in soft law/guidelines?

Yes. Asylum instructions (available at: www.ukba.homeoffice.gov.uk) set out the process of routing asylum applications, including determining whether an application should be dealt with via the accelerated procedures, etc. Other guidance documents set out how applications for asylum support are processed.

c) Not outlined in official documents, but there is a standard practice in place?

No, see Question 11b above.

Q12. Provided there is sufficient capacity, does the UK offer the applicant a choice for reception facility/location?

No. Under UK law an asylum seeker who is being provided with accommodation by the Home Office has no choice about housing location. However, consideration may be given to some circumstances, such as access to specialist medical services.

Q13. a) Does the UK provide for a possibility to relocate applicants for international protection to different reception facilities after initial assignment to a reception centre?

Yes.

Q13. b) If yes, which of the below criteria are applied, or a combination thereof, for relocation to a different reception centre?

i) Capacity/bed management issues

Yes.

ii) Change in family profile (e.g. birth of a child)

Yes.

iii) Medical or special need reasons

Yes.

iv) Incidents at centres that may require transfer to alternative accommodation

Yes.

v) Time limits (procedural-driven)

No.

vi) Programme for voluntary return to the country of origin

No.

vii) Any other reasons

No.

Section 3 Quality: National legislation on material reception conditions

Q14. According to national legislation in the UK what are applicants for international protection who are accommodated in reception facilities entitled to in terms of the following reception conditions?

- a) Food
- b) Clothing
- c) Financial allowance¹⁶

Please briefly describe your national legislation in relation to aforementioned material reception conditions and make reference to the relevant provisions in national legislation.

Part VI of the Immigration and Nationality Act 1999 and the Asylum Support Regulations 2000 set out the regime of support for destitute asylum seekers in the UK. Separate regulations cover the regime of support for destitute failed asylum seekers.

Whilst awaiting the outcome of an application for support, asylum seekers may find themselves temporarily housed in Initial Accommodation (IA) prior to being allocated longer term dispersal accommodation. These centres are full board and cash allowances are not provided.

Persons granted support may be allocated accommodation (utilities paid) and/or an allowance to cover 'essential living needs'. The allowance is 'de facto' and not dependent upon, or considered remuneration for, any tasks undertaken in reception centres. The allowance is provided to meet a person's 'essential living needs' other than accommodation. These 'essential living needs' should be food, clothing and toiletries, but how the cash allowance is used will be determined by the person to whom it is given.

For 2011–2012 the level of the financial allowances for destitute asylum seekers and their dependants, were set as follows.¹⁷

¹⁶ Please explain what costs the financial allowance is intended to cover (for example, does it cover accommodation costs, does it include pocket money) and specify whether the financial allowance is provided and/or whether it can be used to remunerate applicants who carry out work (small tasks) within the reception facility.

¹⁷ Source: <http://www.ukba.homeoffice.gov.uk/asylum/support/cashsupport/>

Circumstances	Section 95 rates 2011–2012 (asylum seeker) per week	Section 4 rates 2011–2012
(failed asylum seeker) per week		
Child < 1year	£57.96	£45.39
Child 1–3 years	£55.96	£43.39
Child 3–15	£52.96	£40.39
Young person 16–17	£39.80	£35.39
Adult	£36.62	£35.39
Couple	£72.52	£70.78
Single parent	£43.94	£35.39
Pregnant woman	Rate +£3 /week and £300 grant for each child	Rate +£3 /week and £250 grant for each child

Q15. Please indicate in Table 3 below for each type of reception facility in place in the UK:

- i) the available surface per applicant (in square metres);
- ii) the supervision rate (number of staff per applicant); and
- iii) specify whether applicants have the possibility to take part in organised leisure activities

Table 3 Other quality criteria for reception facilities that relate to the applicant's experience of being accommodated in a reception facility

Type of accommodation	Available surface per applicant (in square metres)	Supervision rate (number of staff per applicant)	Possibility of leisure activities? Yes/no. If yes, briefly describe
Collective initial/transit reception centres	For example, a bedroom for one person would have a minimum surface area of 10m ² . A bedroom shared by two people would have a minimum surface area of 15m ² .	IA facilities are open centres and no supervision is necessary. IA staff manage service users through the processes and at night time, the IAs have a manned reception to receive out of hours service users. Reception, housekeeping and catering staff are provided at levels appropriate to any assessed risk of harm for the staff.	None provided. Access to local amenities.
Collective open reception centres	Not applicable.	Not applicable.	Not applicable.

Type of accommodation	Available surface per applicant (in square metres)	Supervision rate (number of staff per applicant)	Possibility of leisure activities? Yes/no. If yes, briefly describe
Special reception centres or facilities for vulnerable groups (for example, victims of torture or specific vulnerable female applicants)	Not applicable.	Not applicable.	Not applicable.
Special separate reception centres for unaccompanied minors	Not applicable.	Not applicable.	Not applicable.
Private houses or flats arranged and paid for by competent authorities	<p>Accommodation standards are set out in the Statement of Requirements (SOR) that forms part of the commercial and operational managers procuring asylum support services (COMPASS) contract with the accommodation providers.</p> <p>Providers are required to abide by statutory housing regulations and space standards set out for individual property types based on degree of shared facilities</p>	<p>There is no supervision within the long-term accommodation, apart from that necessary to ensure that the properties remain fit for purpose</p> <p>Properties are inspected once per calendar month. An average level of staffing is one Housing Officer per 50 properties.</p>	None provided. Full access to local amenities.
Private hotels arranged and paid for by competent authorities	Not applicable.	Not applicable.	Not applicable.
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family	Not applicable.	Not applicable.	Not applicable.

Type of accommodation	Available surface per applicant (in square metres)	Supervision rate (number of staff per applicant)	Possibility of leisure activities? Yes/no. If yes, briefly describe
Other premises for the purpose of accommodating applicants for international protection, which are arranged and paid for by the competent authorities	Room sizes ¹ range from 9.5m ² to 15.28m ² . Surface Area for Colnbrook IRC is: 15,639 m ² . Surface Area for Harmondsworth Immigration Removal Centre (IRC) is: 15,675m ² . Surface Area for Yarl's Wood IRC is: 16,909 m ² .	The ratio of detainee custody officers (DCOs) to detainees is based on risk assessment and varies from centre to centre based on the number of officers required to maintain security and safety and to meet the contractual requirements and operating standards for IRCs. For example, the operating standard for admissions requires that detainees must receive a healthcare screening within two hours of arrival and so IRCs must have sufficient DCOs to comply with the standard.	Generally, detention facilities will have a library, a gym, a sports hall, possibly an outdoor games area, an adult education centre, internet access, and a health centre. Some detention facilities also provide detainees with opportunities for paid work.

Q16. Has the UK developed guidelines or a handbook in relation to the reception offered to applicants for international protection?

Yes. All work undertaken in respect of the reception of asylum seekers is subject to the legislation, as well as policy and guidance documents, all of which are publicly available at:

- <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/asylumsupport/>
- <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/asylum-support/>
- <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/asylumsuppbull/>

Of particular interest will be the Point of Claim leaflet, which asylum seekers are provided with during the screening process and which is also available on government websites. The leaflet sets out information on a number of points including:

- where to register a claim for asylum and what to expect during the asylum screening process;
- what to expect after claiming asylum;
- legal advice, additional help and assistance;
- responsibilities and rights of an asylum applicant; and
- asylum support.

¹ Room sizes vary from centre to centre but the Detention Centre Rules 2001(Rule 15(2)) and the Operating Standards for IRCs require that no room is used as sleeping accommodation in an IRC unless the Secretary of State has certified in writing that its size, lighting, heating, ventilation and fittings are adequate for the maintenance of health and safety. Also, that living accommodation should never exceed the certified occupation level, except in exceptional circumstances.

Q17. What control mechanisms are in place to ensure that reception conditions are provided according to the standards specified in national legislation or other protocols/regulations?

See Question 5.

Q18. Has there been a public debate about the quality of reception facilities in your Member State in the period from 2008–2012?

Yes. The most recent of these was a Parliamentary Inquiry on Asylum Support for Children and Young People in supported by the Children's Society.

The report made some recommendations in relation to asylum provision for families, which included:

- that asylum support for families provided with accommodation should be aligned with mainstream benefit rates for living expenses;
- permission to work should be granted to asylum-seeking parents and young adults if their claim for asylum has not been concluded within six months;
- asylum seekers needs for privacy should be respected by housing providers, who should not enter properties unannounced; and
- the Government should abolish section 4 support and implement a single cash-based support system for all children and their families who need asylum support while they are in the UK.

Q19. Does primary research exist in your Member State, evaluating the quality of reception facilities?

Yes. Several studies have been undertaken and published by the voluntary sector on aspects of the UK reception system, for example:

- I don't feel human: Experiences of destitution among young refugees and migrants a report published in February 2012 by the Children's Society;
- When pregnancy doesn't matter: Dispersing pregnant women seeking asylum a joint report published in February 2013 by the Refugee Council and Maternity Action;
- Expecting Change a report published in June 2013 by Medical Justice, which called for an end to the detention of pregnant women.

Section 4 Flexibility

Q20. Please fill out the national statistics on flexibility in Table 4 below.

Any destitute asylum seeker is entitled to support in reception centres. UK figures on the total number of asylum applications in 2008–2012 are included in Table 4 below. The UK does not have data on the numbers of asylum seekers entitled to support in reception centres. Therefore, **of the total numbers of asylum seekers given below, not all will be entitled to support.**

The figures below on numbers of applicants accommodated include the principal applicant and their dependants being supported in long-term dispersal accommodation provided under section 95 of the Immigration and Asylum Act 1999 as of 31 December, as the annual totals are not published (see Table 1).

Table 4 National statistics on flexibility

	2008	2009	2010	2011	2012
Total number of asylum applications (total number of applicants entitled to reception are not available)	31,313 ¹⁸	30,673	22,644	25,898	27,486
Total number of applicants accommodated in reception facilities	As at 31 December 2008, there were 25,135 persons in long-term dispersal accommodation ¹⁹ .	As at 31 December 2009, there were 23,840 persons.	As at 31 December 2010, there were 18,724 persons.	As at 31 December 2011, there were 18,108 persons.	As at 31 December 2012, there were 17,594 persons.
Maximum number of applicants who could be accommodated in reception facilities	There are no fixed accommodation limits for dispersal accommodation.	There are no fixed accommodation limits for dispersal accommodation	There are no fixed accommodation limits for dispersal accommodation	There are no fixed accommodation limits for dispersal accommodation	There are no fixed accommodation limits for dispersal accommodation
Average occupation rate in reception facilities	Non applicable as there are not fixed accommodation limits.	Non applicable as there are not fixed accommodation limits.	Non applicable as there are not fixed accommodation limits.	Non applicable as there are not fixed accommodation limits.	Non applicable as there are not fixed accommodation limits.

¹⁸ Source for Asylum applications: <https://www.gov.uk/government/publications/tables-for-immigration-statistics-October-to-December-2012> Volume 2, no.2

¹⁹ Source for Asylum applications: <https://www.gov.uk/government/publications/tables-for-immigration-statistics-October-to-December-2012> Volume 5, no. 16

Table 4 shows the total number of asylum seekers between 2008–2012. There were 31,313 applications (covering main applicants and dependants) in 2008 and 27,486 applications in 2012. These figures are considerably less than the peaks in 2000–2002 when annual applications ranged between 90,000 and 105,000.

Q 21. Please describe any pressure that the UK may have experienced in relation to the reception of applicants for international protection during the period 2008–2012 and briefly explain possible reasons for such pressure.

The transition from the old accommodation contracts to the new commercial and operational managers procuring asylum support services (COMPASS) contracts put pressure on reception system during late 2012/early 2013. This is expected to ease as the year progresses.

Pressure has been experienced in both inflow and outflow. Typically insufficient longer term dispersal accommodation causes Initial Accommodation (IA) centres to become full. However, under COMPASS contracts, the same provider has control of the supply chain and can regulate the supply of sufficient accommodation.

Q 22. Which flexibility mechanisms are foreseen and/or have been used in case there are shortages or surpluses in reception facilities? Please answer this question by indicating in Table 5 below whether any of the below mechanisms exist in the UK and whether they have been actually used.

Table 5 Flexibility mechanisms

Type of mechanism	Does this exist in the UK? (Yes/no)	If yes, please describe	Has this mechanism been used? (Yes/no) If yes, please describe
Early warning mechanism ²⁰ (including any software programmes monitoring capacity and occupancy in reception facilities)	No. There are no fixed dispersal accommodation facilities for destitute asylum seekers in the UK. The COMPASS contracts allow for flexibility in the face of changing volumes.	Not applicable.	Not applicable.
Additional reception centres acting as buffer capacity	Yes.	The UK's accommodation contracts place the obligation on the providers to respond to changing demand, providing additional bed spaces in dispersal accommodation as necessary.	It is in constant use as the system flexes with need.

²⁰ An early warning mechanism refers to a monitoring system, for example, a mechanism that monitors the inflow of applicants for international protection, evaluating in particular whether the (Member) State possesses the necessary capacity to deal with increased (or decreased) pressure. Such a monitoring system would enable identification of possible shortcomings (or excess capacity) at an early stage.

Type of mechanism	Does this exist in the UK? (Yes/no)	If yes, please describe	Has this mechanism been used? (Yes/no) If yes, please describe
Emergency plans	See response above on early warning mechanisms.	Not applicable.	Not applicable.
Budget flexibility (to increase or decrease the budget when necessary)	Yes.	Flexibility exists in the sense that applicants will be accommodated and supported even if this causes a budget overspend. However, any such overspend is likely to be scrutinised and queried by Parliament and additional expenditure usually has to be approved by MPs via Supplementary Estimates.	Yes, in some previous years (for example, 2009–10) the UK overspent its budget for reception.
Employing more caseworkers to speed up decision-making	Over the years, the numbers of caseworkers employed by the UK to process asylum applications has varied as numbers of applications/backlogs have grown and reduced. However, this mechanism has not generally been used to respond to shortages/surpluses in reception facilities in the UK.	Not applicable.	Not applicable.
Fast-tracking procedures	Not applicable.	Not applicable.	Not applicable.
Application of different standards/modalities of reception conditions in emergency situations ²¹	Not applicable.	Not applicable.	Not applicable.
Provision of financial vouchers/allowance to cover costs of private accommodation	Not applicable.	Not applicable.	Not applicable.
Review for specific categories of applicants who obtain priority access to reception	Not applicable.	Not applicable.	Not applicable.
The use of excess space for other purposes	Not applicable.	Not applicable.	Not applicable.
Other	Not applicable.	Not applicable.	Not applicable.

21 Article 14 paragraph 8 of the Reception Conditions Directive 2003/9/EC stipulates that: “Member States can exceptionally set modalities for material reception conditions different from those provided for in Article 14 for a reasonable period which shall be as short as possible, when: an initial assessment of the specific needs of the applicant is required; material reception conditions, as provided for in Article 14, are not available in a certain geographical area; housing capacities normally available are temporarily exhausted; the asylum seeker is in detention or confined to border posts. The different conditions must cover in any case basic needs.”

Q 23. Please indicate best practices in handling (disproportionate) pressure as well as ability to adjust to fluctuating numbers of applications over time. Where possible, please refer to the use (and effectiveness) of any of the aforementioned flexibility mechanisms.

The UK is of the opinion that, by contracting with the accommodation providers in the private sector, it has the flexibility needed to handle any pressure presented by fluctuating numbers. There are no fixed reception facilities for asylum seekers and the contracts place the obligation on the providers to respond to changing volumes, sourcing and providing additional dispersal properties as necessary. The providers are paid per person per night. This has given the flexibility needed to handle any pressure presented by fluctuating numbers. Under the new COMPASS contracts, reception facilities and longer term dispersal accommodation are managed by the same organisation under the same contract. They are thus better positioned to judge the requirement for dispersal accommodation and also have greater capacity to provide contingency reception accommodation at times of high demand.

Section 5 Efficiency

Q24. Please fill in the national statistics on efficiency in Table 6 below (please provide figures or, if not possible, estimates thereof).

Table 6²² National statistics on efficiency

	2008	2009	2010	2011	2012
National budget allocated to the reception of applicants for international protection	Not available.	£430.5m	£409.0m	£272.7m	£270.3m
Total costs of reception	Not available.				
Total direct costs ²³ See note 1 below for costs covered.	£346.6m	£476.4m	£353.6m	£256.6m	£249.3m
Total indirect costs ²⁴	Not available.				
Total costs of reception including Dublin cases	Cost for Dublin cases are not broken down.	Cost for Dublin cases are not broken down.	Cost for Dublin cases are not broken down.	Cost for Dublin cases are not broken down.	Cost for Dublin cases are not broken down.
Total costs of reception excluding Dublin cases	As above.				
Inflow of new applicants to reception facilities	Not available.				
Inflow/return of applicants who have temporarily left a reception facility	Not available.				
Outflow of applicants from reception facilities, who do not return later	Not available.				
Share of applicants in reception facilities who have received a final decision on their application	Not available.				
Median ²⁵ range of an applicant's stay	Not available.				
Interquartile ²⁶ ranges of an applicant's stay	Not available.				

22 All figures in Table 6 are derived from management information (received in July 2013).

23 Direct costs refer to explicitly defined costs and budgets for the reception of applicants for international protection in each (Member) State.

24 Indirect costs refer to costs that are not directly measurable (as costs are borne by a wide range of stakeholders and further relate to the applicant's access to general public services).

25 The median is the numerical value separating the higher half of the distribution of the lower half (middle value).

26 The interquartile ranges refer to the value of the first quartile (25 percentile) and the third quartile (75 percentile) in a distribution.

Table 6 shows that there is a drop in the budget allocation and total direct costs in 2011 and 2012 compared with 2009 and 2010. The reason for this is that the Case Resolution Division, which worked on clearing outstanding 'legacy' asylum cases, closed in 2011.

Note 1: Direct costs:

The direct costs quoted cover the cost of:

- the commercial and operational managers procuring asylum support services (COMPASS) contracts for providing Initial Accommodation (IA) and dispersal accommodation for both asylum seekers and those failed asylum seekers supported under section 4 (please see note 4 in Annex 2 for more information);
- the financial allowances given to those supported;
- asylum seeker travel costs;
- unaccompanied asylum-seeking child (UASC) grants to local authorities;
- Home Office staffing costs relating to asylum support/reception issues; and
- the one stop service and IA wrap around services provided the voluntary sector under contract (free advisory services relating to completion of asylum support application forms and signposting to services for other issues).

Q25. Are cost (estimations) available for the flexibility mechanisms used in your Member State (see Question 22)?

Not applicable.

Q26. What is the tolerance time for the extended stay of applicants in reception facilities who have already received a final decision on their application?

For those supported under section 95 of the Immigration and Asylum Act 1999, the "grace periods" (tolerance times) set out in UK legislation are as follows:

- if granted international protection, applicants are given 28 days to make other arrangements;
- if refused, international protection applicants have 21 days in which to:
 - i exercise any right of appeal;
 - ii quit the property;
 - iii make an application for support under section 4 of the Act.

Section 6 Conclusions

This section will outline the main findings of the study and present conclusions as to what extent the organisation of the reception system impacts on the flexibility, efficiency, and quality of reception facilities.

Q27. Please summarise the organisation of reception facilities in the UK, indicating main strengths and weaknesses (please specify any evidence for these findings).

The UK's asylum support legislation allows asylum seekers who are, or are about to become, destitute to apply for support in the form of accommodation and/or a cash allowance to cover their essential living needs (food, etc.). Generally, asylum seekers are provided accommodation in properties within the community as a whole, rather than in open reception centres.

Emergency accommodation within the UK's asylum system is provided within six Initial Accommodation (IA) centres. These are full-board facilities where no cash allowance is provided. The benefit of having six IA centres is that peaks in demand in one region usually can be smoothed out by redirecting asylum seekers to another. Asylum seekers usually spend a few weeks in IA during which time their application for asylum support is being considered. Those who are provided support may then be allocated private accommodation in the community and/or an allowance. The allowance is provided to meet essential living needs. Applicants are dispersed throughout the UK and are generally not given a choice on location. The UK does not pay for privately arranged accommodation but asylum seekers in this type of accommodation may apply for subsistence only if they are unable to fund their essential living needs.

The provision of accommodation within the UK's asylum support system is contracted out to private companies, local authorities or housing associations, or a combination thereof. The UK's 2012-2016 commercial and operational managers procuring asylum support services (COMPASS) accommodation contracts place the obligation on the providers to respond to changing demand, sourcing and providing additional properties as necessary. The benefit of this is that it enables demand-led flexibility in the provision of accommodation. Under the COMPASS contracts the same providers have control over the supply chain and can therefore regulate the supply of sufficient accommodation. This is a significant benefit as they can provide a seamless service for asylum seekers while covering contingencies and protecting business continuity.

The way that the charging mechanism works means that it is in the providers' interest to keep the IA close to optimum capacity. This can be a weakness as it can sometimes impinge on operational flexibility.

Q28. Please summarise whether the UK has experienced pressure on its reception facilities (in terms of both in- and outflow, and duration of the processing time of applications) and indicate what measures have been most successful in handling such pressure.

The transition from the old accommodation contracts to the new COMPASS contracts put pressure on the reception system during latter half of 2012/early 2013. This is expected to ease as the year progresses. For details on handling pressure see Question 23.

Q29. Please describe best practices in controlling costs of reception facilities whilst ensuring quality.

The requirement was subject to public procurement following Official Journal of the EU rules. The contract documents contain an output specification, which describes minimum levels of performance and quality. The bids were assessed on quality and cost (scores were weighted 60:40 for quality and cost). In the service delivery period the provider's performance is monitored, measured and managed under a prescribed governance regime that provides high levels of assurance in relation to value for money, quality and cost.

Annex 1 Reception conditions in different reception facilities

Please fill out the table below concerning the rights granted to applicants for international protection, as laid down in national legislation in different reception facilities.

Table A1.1 Reception conditions in different reception facilities

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/ facilities for vulnerable groups	Special separate receptions centres for unaccompanied minors (UAMs)	Private houses or flats ²⁷	Private hotels ²⁸	Individually arranged accommodation ²⁹	Other premises	Comments
Food	Full board.	Not applicable.	Not known.	Full board in local authority children's homes or foster homes.	Weekly allowance for essential living needs to enable applicant to choose own diet.	If used, bed and breakfast, (with financial allowance if long-term).	Applicants (asylum seekers) may request provision of subsistence only support (i.e. financial allowance only), if they are able to accommodate themselves (for example, with friends or relatives).	Immigration removal centres (IRCs) – full board.	
Clothing	Not applicable.	Not applicable.	Not applicable.	Local authority will provide allowance for clothing.	Weekly allowance for essential living needs should allow applicant to save for and buy essential items of clothing.	Not applicable.	If in receipt of subsistence only support, then the weekly allowance for essential living needs should allow applicant to save for and buy essential items of clothing.	Not applicable.	

²⁷ Arranged and paid for by competent authorities.

²⁸ Arranged and paid for by competent authorities.

²⁹ For example, houses/flats/hotels and/or staying with friends and family.

Access to vocational training	See Note C.	Not applicable.	See Note C.						
Access to employment (after which period of time?)	May apply when application for asylum has been outstanding for more than 12 months.	Not applicable.	May apply when application for asylum has been outstanding for more than 12 months.	May apply when application for asylum has been outstanding for more than 12 months.	May apply when application for asylum has been outstanding for more than 12 months.	May apply when application for asylum has been outstanding for more than 12 months.	May apply when application for asylum has been outstanding for more than 12 months.	May apply when application for asylum has been outstanding for more than 12 months.	
Other? Please add									

Note A – Asylum seekers are recommended to seek advice only from a solicitor or an adviser who is registered with the Office of the Immigration Services Commissioner. The Community Legal Service Direct manages a directory of legal advisers that asylum seekers can access. Destitute asylum seekers may qualify for legal aid.

Note B - The Home Office will provide an interpreter at public expense whenever it is considered to be necessary and the service is needed in connection with the submission of the applicant’s case. Interpreters are offered by the Immigration and Asylum Tribunal for all Immigration Judge appeals. The application form contains a section in which an interpreter can be requested and a language and dialect specified.

Note C

- (a) 16- to18-year-olds are eligible for Learning and Skills Council (LSC) funding in respect of attendance on further education (FE) courses, the same as UK students.
- (b) b. Those aged 19 years and over are treated as UK students for the purposes of fees for FE if they have been in the UK legally for longer than 6 month pending consideration of their application for asylum. This follows the granting of concessions to enable asylum seekers to access LSC funding in certain circumstances, for example, for courses teaching English for Speakers of Other Languages. Otherwise they are treated as international students and may be required to cover the full cost of their course. However an FE college or provider has discretion over the level of fee that they actually charge.
- (c) c. Asylum seekers have access to higher education courses but will be treated as international students by the university concerned.

Note 1: Unaccompanied asylum seeking children (UASCs) in Local Authority care:

UASCs are not supported and accommodated under the Home Office Asylum Support system. This is undertaken by Local Authorities under specific legislation, with some funding from the Home Office. It is for the Local Authority of the area in which the UASC is resident to determine and provide for the child/young person's individual needs (e.g. accommodation, fostering etc.).

Local Authorities in England and Wales have a duty under Sections 17 and 20 of the Children Act 1989 (s22 & s93 of the Children (Scotland) Act 1995 to provide support for unaccompanied asylum seeking children.

Section 17 places a general duty on every Local Authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children's needs.

Section 20 requires every Local Authority to provide accommodation for children in need within their area who require accommodation if:

- there is no person who has parental responsibility for them;
- the children have been lost or abandoned; or
- the person who has been caring for them has not been able to provide them with suitable accommodation.

The local authority's assessment of the individual's needs will be the basis on which the authority will provide them with suitable accommodation and related support. In England, this assessment and support will be the responsibility of the Children's Services departments within a Local Authority and in Wales and Scotland, within the Local Authorities' Social Services departments.

Note 2: Dublin II facilities:

The Third Country Unit (TCU) at the Home Office is responsible for considering asylum claims that come under the Dublin system.

If TCU considers that another Member State is responsible for examining the asylum claim under the terms of the Dublin Regulation, TCU will decide whether to detain the applicant or enforce reporting restrictions whilst a Formal Request is made to the Member State concerned.

Each third country case is considered for detention and is considered on its individual merits. For detention to be justified, there must be strong grounds for believing that a person will not comply with conditions of temporary admission (TA) or temporary release (TR) and there must also be a realistic prospect of removal within a reasonable period. If a third country case is released on TA or TR the person will be expected to report to a Home Office Local Enforcement Office or reporting centre weekly unless the applicant has exceptional reasons for not being able to comply,

in which case a less frequent reporting regime may be considered. If an applicant meets the criteria he or she may also be considered for electronic monitoring.

Note 3: Detention Fast Track:

An asylum claim may be put through the Detained Fast-Track procedure if, after the screening process, it appears to be one that may be decided quickly. With the exception of the categories listed below, there is a general presumption that the majority of asylum applications are ones on which a quick decision may be made, unless there is evidence to suggest otherwise.

Cases where a quick decision may not be possible may include (but are not limited) to the following situations:

- Cases where it is foreseeable that further enquiries (either by the UK Border Agency or by the applicant) will be necessary to obtain clarification or corroborative evidence, without which a fair and sustainable decision could not be made, or in cases where it is apparent that those enquiries will not be concluded in time to have a decision within normal expected timescales.
- Cases where it is foreseeable that translations are required for documents presented by an applicant without which a fair and sustainable decision could not be made, or where it is apparent that the necessary translations cannot be obtained in time to allow a decision to take place within the normal expected timescales.

There are exceptions to the application of the fast-track procedure that apply to groups deemed unsuitable for the procedure, as follows:

- Women who are 24 or more weeks pregnant;
- Family cases;
- Those accepted to be children;
- Those with a disability which cannot be adequately managed within a detained environment;
- Those with a physical or mental medical condition which cannot be adequately treated within a detained environment, or which for practical reasons, including infectiousness or contagiousness, cannot be properly managed within a detained environment;
- Those who clearly lack the mental capacity or coherence to sufficiently understand the asylum process and/or cogently present their claim. This consideration will usually be based on medical information, but where medical information is unavailable, officers must apply their judgement as to an individual's apparent capacity;
- Those for whom there has been a reasonable grounds decision taken (and maintained) by a competent authority stating that the applicant is a potential victim of trafficking or where there has been a conclusive decision taken by a competent authority stating that the applicant is a victim of trafficking;
- Those in respect of whom there is independent evidence of torture.

Asylum-seekers who are considered suitable for the Detained Fast-Track (DFT) procedure will be detained at processing centres operating the DFT procedure.

There are 4 such centres designated for this purpose by UK legislation:

- 3 for single male applicants:
 - Campsfield House,
 - Colnbrook and
 - Harmondsworth;
- 1 for single female applicants and some families:
 - Yarl's Wood.

Applicants are interviewed and promptly served with a decision, usually within seven to fourteen days after entry to the process. There are safeguard mechanisms in place to ensure that process timescales can be extended if fairness requires it, or for the applicant to be transferred to the normal procedure if it emerges that the applicant is no longer suitable for the process.

If the claim results in a negative decision, two possible routes may follow, both of which reflect non-detained processes. If the claim is considered to be so lacking in merit as to be “clearly unfounded”, it may be certified under section 94 of the Nationality, Immigration and Asylum Act 2002. Such a decision requires the authority of a second trained officer. The right of appeal in a certified decision may be exercised only from the country of origin (the applicant must appeal within 28 days of removal). For negative decisions that are not certified, the applicant has the same in country appeal rights as in the non-detained system, but to an accelerated timetable. The applicant has two days to appeal (the time limit to appeal under the normal procedure is 10 days) the decision to the Immigration and Asylum Tribunal. The appeal is expedited and the hearing takes place before an Immigration Judge within another two days. The Immigration Judge is then required to provide his or her determination within two days of that appeal hearing.

Note 4: Failed asylum seekers and barriers to return:

In general, in the UK, failed asylum seekers may be entitled to reception facilities if they are able to show that there is a barrier preventing them from leaving the United Kingdom and returning home. The criteria for such support are set out in regulation 3(2) of the Immigration and Asylum (provision of accommodation to failed asylum seekers) Regulations 2005

The following are the criteria set out in regulation 3(2):

- (a) he is taking all reasonable steps to leave the United Kingdom or place himself in a position in which he is able to leave the United Kingdom, which may include complying with attempts to obtain a travel document to facilitate his departure;
- (b) he is unable to leave the United Kingdom by reason of a physical impediment to travel or for some other medical reason;
- (c) he is unable to leave the United Kingdom because in the opinion of the Secretary of State there is currently no viable route of return available;
- (d) he has made an application for judicial review of a decision in relation to his asylum claim—
 - i in England and Wales, and has been granted permission to proceed pursuant to Part 54 of the Civil Procedure Rules 1998,
 - ii in Scotland, pursuant to Chapter 58 of the Rules of the Court of Session 1994 or
 - iii in Northern Ireland, and has been granted leave pursuant to Order 53 of the Rules of Supreme Court (Northern Ireland) 1980; or
- (e) the provision of accommodation is necessary for the purpose of avoiding a breach of a person’s Convention rights, within the meaning of the Human Rights Act 1998.

Support for failed Asylum Seekers

Failed asylum seekers may be supported under section 4 of the Immigration and Asylum Act 1999. In order to be granted support, they need to show that they are destitute and can satisfy one or more of the conditions set out in regulation 3(2) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005. Failed asylum seekers in receipt of section 4 support will continue to receive it until the barrier to leaving the UK, upon which their support relies, is resolved.

The majority of persons supported under section 4 of the Act are single persons or persons who had children after their applications for asylum were refused. Around 20% of persons supported under section 95 of the Act are failed asylum seekers, who, because they had children at the time their application for asylum was refused, remained on section 95 support in order to safeguard the welfare of the children.

