

Asylum Support – Actions Required as a result of the Slough Judgment

Background

The recent judgement in the House of Lords' case M v Slough Borough Council has redefined the interpretation of local authorities' responsibilities to provide support to individuals under Section 21 of the National Assistance Act 1948.

Local authorities provide residential accommodation under section 21 to individuals who by reason of age, illness, disability or any other circumstances are in need of care and attention. As a consequence of the judgment, to now qualify for section 21 support, an individual has to have a care need which requires some additional help over and above provision of accommodation, for example, assistance with personal care or household tasks. As a result, a number of individuals currently supported under section 21 are no longer eligible, and some of these may be eligible for asylum support (sections 95/4).

It is important that asylum support applications made by section 21 supported persons as a result of the Slough Judgment are flagged up as being sensitive cases. The applications should be submitted with a covering letter explaining that the applicant wishes to transfer from section 21 support to asylum support as a result of the Slough Judgment.

Submission of application forms:

Section 95 applicants:

Should submit their NASS 1 application forms to the Complex Casework Team at the following address:

Complex Casework Team,
2nd Floor, Advance House,
15 Wellesley Road,
Croydon CR9 1AT.

Any queries about these arrangements should be directed to Naila Atif on 0208 633 0818 (phone) or 0208 633 0879 (fax) - Please note that the Complex Casework Team does not deal with section 4 application forms.

Section 4 applicants:

The applicants' Asylum Case Owners have responsibility for ensuring that applications are processed, which means that forms should be sent to one of the addresses below:

Section 4 NAM cases:

Ingrid Bell
UK Border Agency
Midlands and East Region
P.O.Box 13718
Solihull B91 9GQ
Fax: 0121 345 8666
Phone: 0121 345 8035

Section 4 Legacy cases:

UK Border Agency
Distribution Hub
Case Resolution Directorate
PO Box 1885, Croydon, CR90 9AG
Fax: 0208 604 6034 / 6908
Phone: 0845 602 1739

Assessment of Applications

Applications will be assessed using existing guidance and priority categories. Dispersal will be undertaken following the process specified in UK Border Agency guidance on dispersing asylum seekers and failed asylum seekers with health care needs, and will be done as follows:

- In accordance with expert clinical advice from the UK Border Agency's Medical Advisor, and if the applicant is receiving treatment, with the current health authority, and if a decision is taken to disperse to another region, with the receiving health authority;
- In a way that will not cause any harm to the individual or pose any risk to wider public health, and;
- When asylum seekers/failed asylum seekers and clinicians have had time to adequately prepare for dispersal;
- Through consultation with Local Authorities and UKBA accommodation providers to ensure a smooth transition to new accommodation.

If an application form has already been submitted, and it did not flag up that the applicant was a Slough Judgment case, the applicant should still have indicated on their application form that they have medical problems. These cases would still be dispersed following the process specified in UK Border Agency guidance on dispersing asylum seekers and failed asylum seekers with health care needs, as specified above.