

Refugee Outreach ▶ **Advice Partnership**

ROAP is a partnership between Asylum Aid, Central London Advice Service (CLAS) and the Refugee Education & Training Advisory Service (RETAS)

BENEFITS FOR ASYLUM SEEKERS & REFUGEES **ROAP Information Sheet No. 4**

One of the factors affecting your entitlement to benefit is your immigration status. This leaflet gives an overview of the effect on your benefit entitlement if you are an asylum seeker or if you have been granted Indefinite Leave to Remain as a refugee status or Exceptional Leave to Remain (ELR).

Remember that your entitlement to benefit and the amount you are paid will also be affected by your other circumstances. For example your age, who you live with, whether you are sick or disabled, the National Insurance contributions you have paid, and any work that you do can all affect your benefit.

Asylum Seekers

Most asylum seekers are excluded from most benefits. If you are an asylum seeker, unless you are covered by one of the groups listed below, you are not entitled to any of the following benefits –

- Income Support
- Income-based Job Seekers Allowance
- Housing Benefit
- Council Tax Benefit
- Social Fund
- Disability Living Allowance
- Attendance Allowance
- Invalid Care Allowance
- Severe Disablement Allowance
- Non-contributory incapacity benefit
- Working Families' Tax Credit
- Disabled Person's Tax Credit
- Child Benefit

You can claim other benefits not on this list, but you must meet the all the conditions of entitlement. The main group of benefits, which you may be able to claim, are contribution-based benefits. To be entitled to these you must have paid sufficient national insurance contributions as well as meet the other conditions.

The main contributory benefits are: incapacity benefit (if you are incapable of work), contribution-based jobseekers allowance (if you are looking for work), bereavement allowances (if your husband or wife dies) and retirement pensions (if you are aged at least 60 for women or 65 for men).

Please note: Information is exchanged between all the benefit authorities and the Home Office. If you are uncertain about your immigration status you should seek expert advice before making a claim for benefits.

As an asylum seekers you can claim:

- Income Support
- Income-based Job Seekers Allowance
- Housing Benefit
- Council Tax Benefit
- Social Fund

If:

- you claimed asylum 'on-arrival' before 3.4.2000; *or*
- are a national of former Zaire or Sierra Leone *and* you were in Britain on the date each of these countries were declared to be undergoing 'significant upheaval' (16.5.97 and 1.7.97 respectively) *and* you claimed asylum within 3 months of the relevant declaration; *or*
- (for income support, housing benefit, and council tax benefit only) you were getting the benefit on 4.2.96; *or*
- you are a national of Cyprus, Czech Republic, Hungary, Malta, Poland, Slovakia or Turkey (or you are an EEA national) *and* you are lawfully present in the UK.

Your entitlement will end when:

- (for the first 3 groups above): a decision is made on your asylum application.
- (for the last group above): you cease to be lawfully present in the UK.

As an asylum seeker you can claim:

- Social fund
- Disability Living Allowance
- Attendance Allowance
- Invalid Care Allowance
- Severe Disablement Allowance
- Non-contributory incapacity benefit
- Working Families' Tax Credit
- Disabled Person's Tax Credit
- Child Benefit

If:

- you are a family member of a European Economic Area (EEA) national
- (EEA = Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Republic of Ireland, Spain, Sweden and UK); *or*
- you are a national of Algeria, Morocco, Slovenia, Tunisia or Turkey and you are lawfully working (or have lawfully worked) in Great Britain; *or*
- you are living with a member of your family who falls into the group above; *or*
- you are a national of Turkey and you have worked anywhere in the EEA; *or*
- you are covered by a reciprocal agreement. You can get details of these agreements from the DSS. However these are only of benefit to a few asylum seekers (for example if you are from former Yugoslavia you may be able to claim child benefit); *or*
- you were getting the benefit on 4.2.96 (6.10.96 for child benefit). Your entitlement will end when a decision is made on your asylum application or your award of benefit is revised or superseded. (Note that for child benefit claiming for an additional child does not give rise to a revision or supersession of your existing entitlement).

Your entitlement will also end if you have stopped claiming since this date or a time-limited award has come to an end. This is currently being challenged so if your new or renewal claim is refused you should appeal and seek advice.

If you cannot get income support, income-based job seekers allowance, housing benefit or council tax benefit, because you do not fall into one of groups entitled to claim these benefits, you may be able to get asylum support (see leaflet No. 5).

Refugees and people with Exceptional Leave to Remain

If you have been granted Indefinite Leave to Remain as a refugee or ELR you can claim all the benefits mentioned in this leaflet (subject to the general rules of entitlement). The only exception to this is if you have been granted ELR subject to the condition that you do not have 'recourse to public funds'. If this applies seek expert immigration advice.

If you have been granted Indefinite Leave to Remain as a refugee you can claim backdated income support, housing benefit and/or council tax benefit to cover the period that you were excluded from these benefits. You must claim within 28 days of receiving the Home Office letter granting you Indefinite Leave to Remain as a refugee. Your benefit will be backdated:

- to the date your benefit stopped due to your asylum claim being refused - if you claimed asylum 'on-arrival' before 3.4.00; otherwise
- to the date of your asylum claim; *or*
- 5.2.96 if this was later.

Please note that the information in this leaflet is not intended to be a full explanation of the law or of your rights: for detailed advice about your own circumstances, you should contact a specialist adviser or a solicitor.

For further information, contact one of the ROAP partnership organisations:

For advice on the asylum application process contact:

Asylum Aid

28 Commercial Street
London E1 6LS
Tel. 020 7377 5123
Fax. 020 7247 7789

For advice on welfare benefits, asylum support and housing contact:

Central London Advice Service (CLAS)

Derry House, Penfold Street
London NW8 8HJ
Tel. 020 7402 6750 ext. 23
Fax. 020 7224 8264

For advice on adult education, training and employment contact:

Refugee Education & Training Advisory Service (RETAS)

14 Dufferin Street
London EC1Y 8PD
Tel. 020 7426 5837
Fax. 020 7251 1314

This leaflet is one in a series of nine:

1. Your asylum application
2. The asylum process
3. Information to help with your asylum claim
4. Benefits for asylum seekers & refugees
5. Asylum support
6. Housing for asylum seekers & refugees
7. Overcoming barriers to education
8. Entitlements to education for asylum seekers & refugees (16+)
9. Employment for asylum seekers & refugees



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