

Social security changes for asylum seekers and other persons from abroad

Research Paper 96/9

19 January 1996



The Government has announced its intention to remove benefit rights from the majority of asylum seekers, sponsored immigrants and other persons from abroad with limited leave. This paper looks at the changes put forward in the *Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996* (SI 1996/30). These are to be debated on 23 January 1996.

This paper updates much of the benefit section of Research Paper 95/124 on the Asylum and Immigration Bill 1995/6.

Richard Cracknell
Education and Social Services Section

House of Commons Library

Library Research Papers are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

CONTENTS

	Page
A. Introduction and Summary	5
B. The Announcement	6
C. The Regulations	
1. Asylum seekers	7
2. Non-contributory benefits for other persons from abroad	8
3. Sponsored immigrants	8
4. Urgent cases of Income Support	9
5. Interim payments	9
6. Retrospection	10
D. SSAC Recommendations	10
E. Government Response	10
F. Comments on the changes	11
1. General comments	11
2. Hardship	13
3. Commitments under international agreements	14
4. Removal of benefits from in-country applicants	14
5. Curtailing benefits for port applicants pending appeals	16
6. Sponsored immigrants	17
7. Impacts on other service providers	18
G. Timetable for the Regulations	18
H. Cost savings and numbers affected	19
Appendix Relevant Parliamentary material and abbreviations	20

A. Introduction and summary

A number of changes are to be made to social security benefits for asylum seekers, persons from abroad who claim non-contributory benefits and sponsored immigrants. Regulations bringing most of them into force on 5 February were laid before Parliament on 11 January¹.

Under the Regulations all asylum seekers will lose entitlement to a range of benefits summarised below:

Current entitlement	From 5 February 1996
Income Support (90%)	Port Applicants only [#]
Housing Benefit	Port Applicants only [#]
Council Tax Benefit	Port Applicants only [#]
Family Credit	None
Disability Working Allowance	None
Attendance Allowance	None
Disability Living Allowance	None
Severe Disablement Allowance	None
Invalid Care Allowance	None

[#]plus in-country applicants from countries which the Secretary of State has declared as undergoing significant upheaval.

These changes represent most of a package to remove benefit rights from the majority of asylum seekers, from sponsored immigrants and from other persons from abroad with limited leave. The changes are to be largely made by regulation and these were submitted to the Social Security Advisory Committee (SSAC) which advises the Government on most social security matters. The SSAC has consulted on the proposals and its report largely recommending the Regulations not be proceeded with was published on 11 January.

In addition to the changes being made via regulation, The Government proposes to remove entitlement to Child Benefit for people who require leave to enter or remain in the UK. This requires primary legislation and is contained in the Asylum and Immigration Bill 1995/6 currently before the House².

The Social Security Select Committee has been taking evidence on these changes. Its report is to be published on 22 January.³

¹ SI 1996 30 *The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996*

² Clause 10 (at 2nd reading)

³ HC 81 of 1995/6

B. The Announcement

The changes were first announced on 11 October by the Secretary of State, Peter Lilley, in his speech to the Conservative Party Conference:⁴

Britain has always given asylum to those fleeing foreign persecution. And we always will. But genuine political refugees are few. 40,000 people a year claim asylum. Yet only one in 20 qualifies for it.

The trouble is, our system almost invites people to claim asylum, to gain British benefits. Most people who claim asylum don't arrive here as refugees. They come as visitors, tourists or students.

And they accept that they should support themselves. The problem is that if they later claim asylum, they can automatically claim benefits. That can't be right. And we're going to stop it.

Those who claim asylum as they arrive in this country will still be entitled to help. If British citizens have claims for income support turned down, they can appeal. But they won't receive benefit unless their appeals succeed. Asylum seekers should be treated in the same way. So the moment someone's claim is rejected, benefits will cease. They can appeal. But not at the taxpayers' expense. We all want to help genuine refugees. But Britain should be a safe haven, not a soft touch.

Much of the subsequent comment has focused on the position of asylum seekers. However, in a press release the same day, it was made clear that other groups would also be affected.⁵ Further details are given in an Explanatory Memorandum on the draft regulations submitted by the Department of Social Security to the SSAC.⁶

⁴ Conservative Party News Press Release 473/95, 11.10.95.

⁵ "Peter Lilley proposes new controls on benefits to persons from abroad", DSS Press Release 95/128, 11.10.95.

⁶ The Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1995, SSAC Press Release, 12.10.95, reprinted in Cm 3062

C. The Regulations

1. Asylum Seekers

Currently, people seeking asylum can receive reduced income support under the Urgent Cases regulations.⁷ These restrict the personal allowance of adults in the family to 90% of the normal rate, although full rate allowances are paid for children, and claimants may also be able to get help with housing costs and council tax. Asylum seekers can also claim other benefits such as disability benefits and family credit. Benefit entitlement continues if an applicant is refused refugee status pending an appeal against this decision. Once refugee status has been granted or the person has been given exceptional leave to remain, there is full access to benefits providing the normal conditions of entitlement are met.

Under the Regulations all asylum seekers will lose entitlement to a range of non-contributory benefits. These are:

- family credit[#];
- disability working allowance[#];
- attendance allowance⁺;
- disability living allowance⁺;
- severe disablement allowance⁺;
- invalid care allowance⁺.

[#]means-tested benefits to top-up low wages for people in full-time work

⁺non-means-tested benefits to assist with the extra costs of disability

It should be pointed out that, under current rules, all but the first two of these benefits require the claimant to have been present in the country for at least 26 weeks in the last year, so they would probably not be available to newly-arrived asylum seekers in any case. There are limited exceptions in the Regulations for people covered by certain international agreements.

Other changes will for the first time treat asylum seekers differently according to whether they have applied for asylum immediately upon arrival ("port applicants") or whether they have applied after entry to the UK ("in-country applicants").

In-country applicants - around 70% of the total - will lose income support, housing benefit and council tax benefit as well as the benefits described above. Exceptions will be made for people from countries which the Secretary of State has declared have undergone such a fundamental change in circumstances that he would "not normally order the return of that

⁷ Regulations 70-72, Income Support (General) Regulation 1987 SI No 1967.

Research Paper 96/9

person to that country", providing they claim asylum within three months of such a declaration.

Port applicants - around 30% of the total - will have their benefit entitlement restricted to means-tested income support, housing benefit and council tax benefit. As now, income support personal allowances for adults will be restricted to 90% of the full rate. This entitlement will end in the event of the Asylum Division of the Home Office turning down their asylum claim. So these people will receive no benefit at all pending an appeal against such a decision.

Again, exceptions will be made for nationals of states which are signatories of certain international agreements. As now, once a person receives refugee status or exceptional leave to remain, there will be full access to benefits.

2. Non-Contributory Benefits for other Persons from Abroad

The Regulations covering the six non-contributory benefits demand that, in order to qualify, a person's right to reside or remain in Great Britain should not be "subject to any limitation or condition".⁸ They go on to exempt people who have been accepted as refugees or given exceptional leave to remain from this, together with people from countries covered by certain international agreements. The effect is that only people in these exempt groups will qualify for these benefits. Thus people other than asylum seekers who are admitted with limitations on their leave, for example restrictions on having recourse to public funds, will also be disqualified.

The Memorandum to the SSAC states that "the Government believes that those who enter the UK with limited leave, on the understanding that they have no recourse to public funds, should be held to that understanding for the duration of their stay here".⁹

3. Sponsored Immigrants

Currently, sponsored immigrants can claim benefits. However, where the sponsor has signed a written undertaking, income support paid to the sponsee can be recovered under the liable relative provisions. The Government estimates that around half of sponsees eventually claim income support and of these, two-thirds will also claim housing benefit and council tax benefit.¹⁰

⁸ The Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1996, Regs 2, 4, 5, 6, 9 and 11.

⁹ Para 26.

¹⁰ DSS Memorandum to SSAC, Op.Cit, para 38.

The Regulations will remove entitlement to income-related benefits and to the non-contributory benefits described above from sponsored immigrants, except where the sponsor has died. Claims made before the Regulations come into force will not be affected.

4. Urgent Cases of Income Support

In addition to asylum seekers, a number of other groups of immigrants who would not normally be able to claim benefits can get reduced rate "urgent cases" payments. These include individuals:

- whose funds from abroad have temporarily stopped;
- awaiting the outcome of an immigration appeal;
- who are the subject of a deportation order or a direction for removal but whose removal has been deferred in writing by the Home Secretary;
- with permission to stay in the UK because they are with someone who has had their removal deferred;
- who have exhausted all rights of appeal, but are allowed to stay in the UK while representations are being made to the Home Secretary;
- who are illegal entrants but who have nonetheless been allowed to remain with the written consent of the Secretary of State;
- with temporary admission;
- whose immigration status has not yet been determined.¹¹

The Regulations will delete all but the first of these provisions so that only people whose funds have been temporarily disrupted will retain entitlement to urgent cases payments.

5. Interim Payments

Currently, when claimants are appealing against a decision not to award benefit, they can apply to the Secretary of State to make a discretionary interim payment. These can be made

¹¹ Regulation 70(3) Income Support (General) Regulations SI 1987/1967

where it appears to the Secretary of State that the claimant is or may be entitled. The Regulations will change this so that an interim payment will only be made where it appears that the claimant *will* be entitled to the benefit. **This change is not just restricted to people from abroad - it could affect any claimants.**

6. Retrospection

A number of the changes made in the original proposals were partly retrospective, i.e. they would have affected some existing claimants. For asylum seekers, a distinction was to be made between those who claimed before 12 October 1995 (when the draft Regulations were submitted to the SSAC) and those who claimed between 12 October and the date the Regulations were due to come into force - 8 January 1996. This was to ensure there was no preemptive surge in applications before the regulations could be brought into force.

In the event, the Government decided this aim had been achieved, at least in part because of the announcement that the change in the rules would be backdated for new claimants from 18 October. There was no surge of in-country asylum claims late in 1995 and there was therefore no need to have retrospective provision. The Regulations will not now affect existing claimants of Income Support, Housing Benefit or Council Tax Benefit when they come into force. They will retain entitlement to these benefits up to the point of the next decisions made on their asylum claim.

D. SSAC Recommendations

The SSAC considered the proposals under four headings: asylum seekers, sponsored immigrants, non-contributory benefits and interim payments. For each of these **the SSAC recommended that the proposals should not proceed.** No secondary recommendations were made¹².

E. Government Response

The Government did not accept the SSAC recommendations that the proposals should be withdrawn. In a statement to the House announcing the final regulations, The Secretary of State for Social Security, Peter Lilley, outlined that, with the exception of transitional arrangements for existing claimants, the Government intended to proceed largely in line with the original proposals.¹³ There was, however, to be no change of entitlement for anyone receiving benefit up to the day on which the regulations come into force. This differed from the original proposals which had contained an element of backdating, as described above.

¹² Cm 3062 paras 93-96

¹³ HC Deb 11 Jan 1996 cc331-345

In the Statement by the Secretary of State that accompanies the SSAC report¹⁴, the decision to proceed is justified on the grounds that the vast majority of asylum seekers are subsequently found not to be genuine refugees:

The Government does not accept that these proposals should be withdrawn. It continues to regard them as well founded. It believes the proposed amendments to extend transitional protection to all existing claimants meet the Committee's most pressing concerns. However, the situation where well over 90 per cent of those receiving benefit are ultimately found to be making unjustified claims is unparalleled in the benefit system. Even those benefits most vulnerable to domestic fraud - the means tested benefits - are believed to suffer a level abuse amounting to little more than 10 per cent. Vigorous action is being taken to reduce that level of abuse. It is inconceivable that the Government could at the same time leave the rules for asylum seekers unchanged when less than 10 per cent of the benefits are going to those they are intended to help - genuine refugees.

F. Comments on the Changes

In the course of its consultation, the Social Security Advisory Committee received 225 responses. Overwhelmingly these were unfavourable - "Almost all our respondents strongly disputed the assumptions on which the Department's proposals for asylum seekers are based"¹⁵.

1. General Comments

The Government, in its Memorandum to the SSAC, gave the following general explanation for the changes:¹⁶

The Government believes that the current benefit arrangements encourage abuses of the asylum system. This happens in two major ways:

- the ready availability of benefits for asylum applicants provides an incentive for people to make unfounded asylum claims. This is primarily the case for people who are present in the UK either on limited leave or illegally, and who are therefore excluded from access to Income Support. The lodging of an unfounded asylum claim allows these people both to prolong their stay in the UK and to gain access to benefits;

¹⁴ Cm 3062

¹⁵ SSAC report Cm 3062 para 27

¹⁶ Op Cit, para 11.

- the availability of benefits throughout the asylum process provides an incentive for failed asylum seekers to lodge and prolong unfounded appeals.

These abuses are detrimental to both the taxpayer (who foots the bill) and to genuine refugees (who suffer from delays created by unfounded applications and appeals).

The United Nations High Commissioner for Refugees (UNHCR) argues that it is wrong to see the decreasing recognition rate of refugees and those given exceptional leave as evidence that the vast majority of asylum seekers are "bogus":¹⁷

In our view, the rise in asylum claims may be more rationally seen as a consequence of unprecedented scale of global conflict which produce refugee flows. Moreover, refugee recognition rates must be analysed with considerable caution. A country's recognition rate of refugees may more often reflect the narrowness or liberalness of that state's application of the refugee definition than the legitimacy or otherwise of individual claims. There are dangerous shortcomings in any assumption that the low refugee recognition rate in the United Kingdom is evidence of the extent of "bogus claimants". In our experience, such simplistic terms are emotive and undermine an appropriate perception and response to the problem of refugees. These unsound assumptions are frequently cited as justification for further restrictive measures. For example, a narrow application of the refugee definition and tighter grants on exceptional leave to remain will reduce the number of successful applicants. The lower figures are then tendentiously used as evidence that "bogus" claims are increasing, thereby justifying further restrictive measures. We believe there are many dangers in such a self-justificatory and circular analysis.

The SSAC believed the proposals should be viewed in the context of the current backlog of asylum applications awaiting determination and the lengthy delays in both the initial decision and appeals process. The Committee went on to say that it could be argued that:

the combination of the proposed benefit changes and Home Office delays would effectively deny such people [asylum seekers] the ability to pursue their rights under immigration law in the UK, also their rights according to the letter and spirit of international law.¹⁸

¹⁷ *Representations to the Social Security Advisory Committee on the Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1995*, UNHCR, 10 November 1995, para 5.

¹⁸ Cm 3062 para 36

The Labour spokesman, Keith Bradley, in response to the statement on the 11 January, questioned why the Government was proceeding with the changes in the face of criticism from interested groups and the recommendations of the SSAC:¹⁹

Is it not clear that the Secretary of State's statement is further evidence of the harshness of his Administration? Why did the Government not listen to the views of all the groups with an interest in the subject, such as immigration welfare agencies, the churches and local authorities throughout Britain, who urged them not to start down this road?

The Opposition clearly support proper measures to stop fraudulent asylum applications, but surely tackling the appalling administrative delays in the procedures would be far more effective than this indiscriminate attack on applicants?

...

Why did not the Secretary of State accept the firm and overriding conclusion of his own Social Security Advisory Committee that the proposals should not be proceeded with? I assure the right hon. Gentleman that we shall continue to oppose them vigorously in debate...

2. Hardship

Many organisations are concerned that many asylum seekers will be left destitute by the changes.

The Refugee Council comments as follows:²⁰

The proposals make no arrangements for provision for those suffering severe hardship or who are particularly vulnerable such as those in ill-health, babies, infants and children, families and lone parents, pregnant women, those with disabilities, the elderly, the mentally ill and torture victims. The health and safety consequences of these proposals for asylum seekers are disturbing. This is in contrast to the arrangements for payment of hardship allowances for 16-17 years olds in which a general withdrawal of benefit has been underwritten by some safeguards.

The Government states that "...access to Social Fund Crisis Loans, intended to alleviate the consequences of a disaster will remain unaffected."²¹ A number of groups, including the

¹⁹ HC Deb 11 Jan 1996 cc333-5

²⁰ *Representations from the Refugee Council on the Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1995*, 10 November 1995, para 9.10.

²¹ DSS Memorandum to SSAC, Op. Cit., para 27.

Child Poverty Action Group and the **National Association of Citizens Advice Bureaux** point out that in practice asylum applicants will be unlikely to get such loans as, without other benefits, they will not have the resources to repay them.

3. Commitments under International Agreements

The **DSS** Press Release states that "...in making these changes the Government will maintain its commitment to the United Nations Convention on the Status of Refugees". This 1951 Convention gives rights to public relief and assistance and social security within certain limits to "refugees lawfully staying" in the contracting state. The Government's view is that as people who have actually received refugee status (or exceptional leave to remain) will get full benefits, the Regulations will not be affected by the Convention.

However, a number of organisations argued in their response to the SSAC that this would be open to challenge. **The Immigration Law Practitioners' Association** states that "there is a respectable body of opinion that this provision applies to those who are refugees even if they are not yet recognised as such".²² The Association claims that the Regulations may breach several articles of the Convention. **UNHCR** suggests that genuine refugees might be compelled to return to face persecution and that "this could amount to 'constructive refoulement' and may place the United Kingdom in violation of its obligations under the Refugee Convention."²³

UNHCR also believes that "the current measures to remove the right of benefit support for all appellants will place the United Kingdom squarely in violation of several treaty obligations" under the UN Convention on the Rights of the Child²⁴ - a view shared by the **Child Poverty Action Group**.²⁵ The Government view is the Children Act 1989 puts obligations on local authorities to provide for children in need and the UK will not therefore be in breach of the Convention.²⁶

The SSAC were unable to comment on the compatibility of the proposals with other legislation or the UK's international obligations. They were advised by officials that the proposals were within the law but at the same time noted the differing views and reported that several respondents felt the Regulations would leave the Government vulnerable to legal challenge.²⁷

²² *Representations to the Social Security Advisory Committee on the Draft Regulations, Immigration Law Practitioners' Association*, 9 November 1995, p.4.

²³ *Op Cit*, p.3.

²⁴ *Ibid*, p.4.

²⁵ *Submission by the Child Poverty Action Group to the Social Security Advisory Committee on the Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1996*, CPAG.

²⁶ Source:DSS.

²⁷ Cm 3062 para 26

4. Removal of Benefits from In-Country Applicants

The Government's reasons for curtailing benefits to in-country applicants are set out in its Memorandum to the SSAC as follows:²⁸

Regardless of motivation, the Government believes that those who enter the UK with limited leave, on the understanding that they have no recourse to public funds, should be held to that understanding whether they make an asylum claim or not. The Government therefore proposes that entitlement to the income-related and non-contributory benefits for this group is removed.

While the Government believes that it is reasonable to expect most genuine refugees to claim asylum on arrival, they do accept that circumstances may arise where some would be trapped in the UK because a major change of circumstances in their home country prevents their return after having arrived here. The Home Secretary intends to monitor the position to identify significant upheavals abroad. In this event the Benefits Agency and local authorities would be notified of such occurrences and nationals of the affected countries would be allowed access to benefits.

A number of organisations argue that genuine refugees may have good reasons for not claiming asylum on arrival.

The Joint Council for the Welfare of Immigrants makes the following comments:

Applying for asylum after entry to the UK is the normal and totally understandable way of taking this huge and very important step. After a flight of many hours from a situation of danger, it is unlikely that a person will want to give full details of the suffering, humiliation and torture they may have undergone to an official dealing with a queue of people in front of him. It is much more likely that a person would want to get into the UK, feel safer and more secure in a country where he believes that he will be protected, before finding out about the procedures necessary for formalising their status. People leaving a dangerous situation do not in general know the detailed laws and regulations of another country to which they might need to flee. It is also unlikely that the person would have been able to leave the country of origin with very much money, or to know that the process of dealing with the asylum application is so long. The Refugee Council has estimated from its clients that 80% of in-country applicants have applied within a week of arrival. Home Office statistics show similar proportions of people accepted as refugees regardless of whether they applied on arrival or afterwards. A distinction between this and applying at the airport is wholly artificial. Refusing benefit is therefore totally unjustifiable.

²⁸ Op Cit, paras 15 and 16.

Amnesty International argues that the provisions allowing benefit to be claimed by after-entry applicants from countries designated as undergoing upheaval are inadequate. Its submission to the SSAC states that the three month time limit is "arbitrary" and does not allow for individual circumstances - for example, the fact that a person may not need to apply for asylum straight away because they have leave to enter or remain for some time ahead.²⁹

The SSAC believes the linking of benefit entitlement to port applications will lead to considerable administrative problems. Also they were not persuaded that people making in-country applications are substantially less likely to have credible asylum claims - "many people might have good cause to delay until that point"

5. Curtailing benefits for port applicants pending appeals

The Government argues that it sees "no justification for continuing to pay benefits to people who are found by the immigration authorities not to be genuine refugees."³⁰

Several organisations argue that to remove asylum seekers' access to benefits while they are appealing against a decision will create a "barrier between those unjustly refused asylum and the existing asylum appeals mechanism".³¹

The National Association of Citizens Advice Bureaux (NACAB) puts this as follows:³²

To remove the right to a subsistence income from such people, is effectively to take away their substantive rights under the UN Convention on Refugees to apply for asylum, and to make a mockery of the legal right of appeal against a determination. Whilst the Government states that it honours the Refugee Convention, by treating those accepted as refugees in the same manner for benefit purposes as its own nationals, it is simultaneously taking steps to deprive the majority of asylum applicants of the opportunity of ever acquiring that status by removing their means of feeding or housing themselves during the period before refugee status (or ELR [exceptional leave to remain]) is obtained.

The SSAC commented on this proposal as follows:³³

it would be wrong to deny financial support to those who are legitimately appealing against a Home Office decision ... rather than pursuing the Department's proposal to withdraw benefit during the appeals process, the

²⁹ Letter from Amnesty International to the Social Security Advisory Committee, 8 November 1995, p 2.

³⁰DSS Press Notice 95/128, 11.10.95 p 3.

³¹ Amnesty International, Op. Cit. p 5.

³²NACAB Submission to the Social Security Advisory Committee, November 1995, p.2.

³³ Cm 3062 para 53

long-term answer lies in improving the Home Office appeals procedures for asylum seekers.

6. Sponsored Immigrants

The Government explains its policy in the following terms:³⁴

The Government proposes to address the situation where people who are granted indefinite leave to remain in the country on the basis that they will be maintained and accommodated by a sponsor become a charge on the benefits system. The Government does not believe that the taxpayer should be responsible for providing support which should be provided by sponsors.

A number of respondents claim that it is unfair to hold sponsors to their commitments indefinitely regardless of changes in circumstances. They also point out that the sponsee cannot enforce the commitment.

NACAB makes the following statement:³⁵

The CAB Service believes it is unjust and inhumane to deny basic subsistence to people where a genuine sponsorship arrangement has broken down, for reasons outside the sponsee's control.

It is already the case that the Immigration and Nationality Department undertakes extensive investigations to ensure that applicants for sponsorship are in a position to adequately support the proposed sponsee. However careful such investigations are, they can never take account of changes in a sponsor's circumstances which are unforeseeable. Redundancy, ill-health, the failure of a business or a severe drop in income are all valid reasons why a sponsor is unable to fulfil his/her responsibility to maintain the person sponsored. Many people sponsored are elderly parents, who would be left completely destitute in such circumstances, were state benefits to be refused. It appears harsh in the extreme to deny such people access to help when they have done nothing wrong.

The SSAC concurred with this view. The Committee believed that to exclude sponsored immigrants from benefits could penalise them for circumstances over which they have no control. It sees the blanket exclusion of these people from benefit as too inflexible to avoid severe hardship, especially as circumstances might legitimately change, in ways other than the death of the sponsor which is allowed for in the Regulations, preventing sponsors from fulfilling their initial undertaking.

³⁴ DSS Memorandum to SSAC, Op. Cit. para 36.

³⁵ Op Cit paras 30-31.

7. Impacts on other Service Providers

Several organisations highlight the extra demands which will be placed on other service providers such as health authorities and social services departments when benefits are withdrawn from these groups. Local authorities have duties under homelessness and community care legislation and responsibilities under the 1989 Children Act, which could be called upon if asylum seekers lose benefit. The SSAC also received representations from bodies pointing out these problems could be particularly acute for some London boroughs as well as have potential adverse effects for individuals' welfare and access to health services.

The extra burden which might be placed on local authorities has been recognised and Peter Lilley's statement on 11 January included an announcement that the Government proposes to assist local authorities with any unavoidable costs arising under homelessness legislation or the Children Act 1989. Discussions will take place with the local authority associations on the details of this assistance. In response to questions following his statement on 11 January, Peter Lilley said it was the Government's intention to provide a "significant degree of help in cases in which there is additional and unavoidable cost ... measured ex post facto rather than doled out through the normal SSA system."³⁶

G. Timetable for the Regulations

Under the original timetable, the Regulations would come into effect on 8 January. The Government believed this was the earliest they could be brought into force allowing for the necessary consultative stages. However such a move would have meant publication of the final Regulations too late for them to be debated before they came into force.

Following concern expressed that these changes were to be brought in without Parliamentary discussion, the Deputy Prime Minister announced they would be delayed until a debate could take place³⁷.

In the event the revised Government proposals were made known in a statement to the House on 11 January 1995³⁸ and the final Regulations issued on the same day. They are to come into force on 5 February

³⁶ HC Deb 11 Jan 96 c339

³⁷ HC Deb 14 Dec 1995 c1097

³⁸ HC Deb 11 Jan 1996 cc331-345

H. Cost savings and numbers affected

The withdrawal of child benefit is estimated to produce savings of £10 million in a full year.³⁹

The total package of measures, including the Regulations and the withdrawal of child benefit will affect 50,000 people, of whom up to 40,000 would be asylum seekers, and save £200 million a year.⁴⁰

³⁹ Explanatory and Financial Memorandum to the Bill.

⁴⁰ DSS Press Release 95/128, 11.10.95, HC Deb 11 Jan 1996 335

Research Paper 96/9

Appendix

Relevant Parliamentary material

Social Security Advisory Committee Report *The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996* Cmnd 3062

Asylum and Immigration Bill 1995/6 Commons 2nd reading 11 December 1995

Asylum, Immigration and Benefits House of Commons Library Research Paper 95/124

Peter Lilley's statement announcing the laying of the Regulations, HC Deb 11 January 1996 cc331-45

The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996 SI 1996/30 (laid 11 January 1996)

First Report of the Social Security Committee *Benefits for Asylum Seekers* HC 81 of 1995/6 (not available at time of writing)

Abbreviations

NACAB - National Association of Citizens Advice Bureaux

SSAC - Social Security Advisory Committee

UNHCR - United Nations High Commission for Refugees