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This factsheet aims to explain what Schedule 10 (sch 10) support is, who is eligible, how to apply, and what happens if the application is refused. It provides only basic information. For a more detailed explanation of sch 10, please consult our sch 10 briefing.

Background

The Home Office (HO) offers support to destitute people who have claimed asylum either through s 95 or s 4 of the Immigration and Asylum Act 1999. However, it is also possible to get financial help and accommodation through sch 10, para 9 of the Immigration Act 2016 (IA16).

This avenue is support for people who are on immigration bail and who cannot apply for s4 or s95 support. Typical examples are: people who have never claimed asylum but have another kind of application outstanding, people who once claimed asylum but absconded or withdrew their asylum claims and certain categories of foreign national offenders (FNOs).

Eligibility

<u>Criteria under sch 10, para 9, IA16</u>	<u>How it works in practice</u>
1. Are on immigration bail	<p>Anyone who is liable to detention or is detained under immigration powers could be on bail.</p> <p>Prior to the IA16, asylum seekers, refused asylum seekers and other migrants who were liable for detention, were placed on immigration bail, temporary admission or temporary release. These types restrictions have been replaced by immigration bail for everyone.</p> <p>This means that, for example, an asylum seeker or a refused asylum seeker is likely to be on immigration bail even if they have <u>never</u> been detained, or informed about their bail.</p>

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2. And are required by bail conditions to live at a specified address (a 'residency condition') and needs HO support to comply with this	The HO has confirmed that a residency condition need not be imposed before the person applies for sch 10. In practice this means the person must have nowhere to live and operates in a way similar to the destitution test.
3. And, the Secretary of State accepts there are exceptional circumstances which justify the provision of support	The HO interim bail policy ¹ explains that sch 10 will be provided to those who would suffer a breach of human rights if support was not provided, and those who are high harm FNOs or Special Immigration Appeals Commission (SIAC) cases.

The [HO interim bail policy](#) states it may not be appropriate to provide sch 10 if someone is eligible for other forms of statutory support. It is important to be aware that if someone who is eligible for s4 or s95 applies for sch 10 it will be necessary to make a separate application on an ASF1 form for the relevant type of support.

The largest cohort probably eligible for sch 10, that refugee frontline organisations are likely to come across, are those whose asylum claims are withdrawn. If an asylum claim is withdrawn, either implicitly through absconding, or explicitly by the individual, they will not be considered as an asylum seeker or a refused asylum seeker. Therefore, this group is not entitled to s4 or s95 support. Please see our [briefing](#) on absconders and call our advice line. To qualify for sch 10 support, the person should generally have resumed their asylum application.

There are other groups who are eligible for sch 10 support. For example, those who have never claimed asylum but have an outstanding immigration application and therefore cannot leave the UK. And those who are unable to leave for medical reasons or are taking steps to leave but need support whilst their departure is organised. For more details on these groups see our sch 10 [briefing](#), and the [HO interim bail policy](#).

How to apply?

The application must be made on the Bail 409 Form. The form can be submitted via Migrant Help's s4 email address (S4@migranthelpuk.org) or by post. It is important to be aware however, that Migrant Help do not assist in the filling out of the form. If the person is an FNO

¹ The hyperlink will take readers to the HO offender management page; to find the exact policy scroll down the page. Please be aware that the Home Office has published two relevant policy documents: "Immigration bail" & "Immigration bail: interim guidance". The *Immigration bail* policy document was updated in January 2022 but does not provide the latest information on sch 10 support. For up to date information on sch 10 support see *Immigration bail: interim guidance*.

they must send the application to the FNO returns command accommodation team (fnorcaccommodationteam@homeoffice.gov.uk).

What does sch 10 support look like?

A fundamental difference with sch 10 support when compared with s4 or s95 is that support is not provided to dependents who would need to make their own independent application for sch 10 support. In practice therefore, it is not common for families to be on sch 10 support, as often they will be eligible for s17 support from their local authority.

Those on sch 10 support will also not be eligible for free secondary medical care.

Beyond this, sch 10 largely looks like s4 support. The weekly support amount is the same and the accommodation from the same providers as s4 support. Financial support is provided through the ASPEN card, and, like s4, cannot be used to take out cash.

What happens if sch 10 is refused?

There is no right of appeal against a refusal of sch 10 support. The only legal remedy is a judicial review. This is a significant difference between sch 10 and s4/s95 support where refusal brings a right of appeal to the AST.

For more information see

1. [HO interim bail policy](#)
2. ASAP absconders [briefing](#)
3. ASAP sch 10 [briefing](#)
4. [Bail 409 Form](#)
5. ASAP sch 10 [e-learning module](#)

As always should you have any case specific queries please call the advice line. It is open Monday, Wednesdays and Friday from 2pm-4pm on 020 3716 0283.

The information contained in this Factsheet is intended for guidance only. While every effort is made to ensure it is correct at the time of publication, it should not be used as a substitute for legal advice. For client specific advice please contact ASAP.