



IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN MANCHESTER

CO/1804/2022

MR JUSTICE FORDHAM

BETWEEN:

R (on the application of CB)

Claimant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

UPON hearing Counsel for the parties on 15 December 2022

AND UPON the Court by Order on 16 December 2022 having Ordered as follows:

IT IS DECLARED THAT: (1) The Secretary of State for the Home Department has since at least 14 September 2022 acted unlawfully in failing (i) to review the rate of asylum support under section 95 of the Immigration and Asylum Act 1999 and (ii) to ensure that the rate of asylum support under section 95 of the Immigration and Asylum Act 1999 is adequate to meet the essential living needs of asylum seekers. (2) Unless and until the Secretary of State for the Home Department increases the rate of asylum support by policy and/or by amendment to regulation 10(2) of the Asylum Support Regulations 2000, the Secretary of State for the Home Department will be acting unlawfully and in breach of her statutory duty to ensure that the rate of asylum support is necessary to meet the essential living needs of asylum seekers.

AND UPON the Defendant having communicated to the Court by her Counsel and Solicitors on 20 December 2022 that she “has agreed to an immediate increase in the asylum support rate by 10.1% on an interim basis”.

AND UPON the Court on 21 December 2022 handing down judgment [2022] EWHC 3329 (Admin)

IT IS FURTHER DECLARED THAT :-

1. The Defendant’s decision to set the rate of asylum support at £40.85 from 21 February 2022 was unlawful.

IT IS ORDERED THAT:

2. The Defendant shall make an immediate increase in the asylum support rate by 10.1% on an interim basis.



3. The Defendant shall pay the Claimant's reasonable costs of the claim to be assessed if not agreed.
4. There shall be detailed assessment of the Claimant's publicly funded costs.
5. The Defendant shall be permitted to file any application for permission to appeal within 7 days of this Order.

Michael R

Fordham J

DATED 21.12.22

BY ORDER OF THE COURT

NOTE: This Order takes effect from the date on which it was made. A sealed copy is and will be available from the Administrative Court Office.