**IMPORTANT:** the address for service changed in February 2024, as below.

Please send your letter by **post to DWP and by email to the Treasury Solicitor**.

Please seek advice from JRProject@CPAG.org.uk if no response is received within 14 days, or consider referring to a solicitor to issue judicial review proceedings, see [this CPAG page](https://cpag.org.uk/welfare-rights/support-advisers/support-advisers-england-and-wales/support-judicial-review-process/pursuing-court-and) for more information.

Delete box before posting

**This letter challenges**:

* Unlawful requirement for a BRP when other evidence exists
* Failure to exempt refugee from HRT
* Failure to offer an advance to a newly recognised refugee

Please **verify then include all relevant dates** in your letter.

**Please send your letter for review** to jrproject@cpag.org.uk before sending it to DWP/ HMRC.

Delete box before sending

**Only use this template if your client:**

* Has refugee status, humanitarian leave or leave outside the immigration rules.
* Their status is evidenced by their passport and/or Home Office documents *and* other evidence. Have not yet received a BRP and UC not decided pending BRP.
* Claimant has a national insurance number.
* Claimed UC but UC advance not offered, and
* Has been required to satisfy the habitual residence test causing delay in decision on UC.

**Read whole letter carefully** and edit all text in red and/or [square brackets]. **Delete all comments**, return text to black (and not bold), and put finished on headed paper.

Delete box before sending

[address your letter to either the:

address on your client’s decision letter,

address your client sent their claim to, or

address on relevant DWP correspondence; or

request an upload link to post it to your client’s online UC account,

or HMRC if tax credits, or local authority legal department if HB]

**And by email to:** thetreasurysolicitor@governmentlegal.gov.uk

**Our Ref:**

**Date:**

**Judicial Review Pre-Action Protocol Letter Before Claim**

**Dear Sir or Madam,**

**Re: Proposed claim for judicial review against the Secretary of State for Work and Pensions by [full name]**

##### We are instructed by [full name] **in relation to [her/his] Universal Credit claim. We write in accordance with the Pre-action Protocol for judicial review. Please note that we are requesting your response as soon as possible and in any event no later than by 4pm on the date at the end of this letter.**

**Proposed Defendant: Secretary of State for Work and Pensions (“D”)(“SSWP”)**

**Claimant:** [full name] (“**C**”)

**NINo:** [xxxx]

**Address:** [xxxx]

**Date of Birth:** [xxxx]

**Note on the address for Pre-action Protocol correspondence**

1. This letter is sent to you because in February 2024 a Senior Lawyer at Decision Making and Debt DWP Legal Advisers, Government Legal Department, Ground Floor Caxton House, Tothill Street, London, SW1H 9NA advised that:

*Pre-action correspondence should now be sent directly to DWP, not to DWP Legal Advisers. DWP Legal Advisers is part of the Government Legal Department, not DWP itself. Pre-action correspondence should be sent to the relevant section of DWP. This will normally be the section of DWP responsible for the decision which is the subject of the pre-action correspondence via their usual communication methods. For example if it relates to a particular benefit decision then the pre-action letter should be sent to the address at the top of that letter.*

1. **This letter is also sent by email to the Treasury Solicitor as** Cabinet Office practice direction ‘Crown Proceedings Act 1947’ (December 2023)[[1]](#footnote-2) requires:

*“****All documents*** *required to be served on the Crown for the purpose of or in connection with any civil proceedings by or against the Crown shall, if those proceedings are by or**against an authorised Government department,* ***be served on the solicitor****, if any, for that department”*

(Emphasis added)

1. The practice direction provides that the solicitor for service in connection with civil proceedings against the Department for Work and Pensions is “The Treasury Solicitor”.
2. **The Government Legal Department webpage**[[2]](#footnote-3) **further instructs:**

***[…]***

*The email addresses above are for the service of new proceedings only.
They should not be used for letters before action, or pre action protocol correspondence. If sending such documents to GLD please email these to**thetreasurysolicitor@governmentlegal.gov.uk**.*

**The Details of the Matter Being Challenged**

**C is challenging:**

1. **The unlawful requirement for C to provide [her/his] Biometric Residence Permit (“BRP”) in order for SSWP to decide [her/his] claim when C has not yet received a BRP and other satisfactory evidence exists to confirm C’s status and/or SSWP’s unlawful failure to make enquiries of the Home Office if SSWP is not satisfied with C’s evidence ; and**
2. **Application of the Habitual Residence Test (“HRT”) when C is exempt as [refugee/other status], and**
3. **Failure to offer C, a newly recognised refugee a UC advance, contrary to SSWP’s guidance**

**Background Facts [edit whole section]**

1. [C’ circumstances, other income, housing, children, etc].
2. [immigration details including current LTR and when this will end].
3. [disability details]
4. On [date] C submitted a claim for UC online.
5. On [date] C provided:
* [What evidence confirming ID and showing LTR]
* [What evidence confirming ID and showing LTR]
* [What evidence confirming ID and showing LTR]
1. [details of contact with DWP, how and on what date?]
2. [details of request for a UC advance and how DWP responded].

**Note on D’s duty of candour**

1. **As SSWP will be aware, the duty of candour arises as soon a public authority becomes aware that someone is likely to test or challenge a decision or action. The duty is engaged at every stage of the proceedings, including the pre-action stage, as confirmed in *R (HM, KH and MA) v Secretary of State for the Home Department* 3 [2022] EWHC 2729 (Admin).**
2. **If any guidance, policy or guidelines exists concerning any of the matters raised in the Background section above, we consider that compliance with the pre-action protocol and the duty of candour requires that it be i) disclosed and ii) provided in full for inspection, as part of the response to this letter. In particular, if DWP guidance ‘**12 Setting an award period’ has been updated or replaced, please provide a copy of the current guidance relied upon by decision makers when fixing the length of PIP awards.

**Legal background and relevant guidance**

1. *DWP guidance on the BRP requirement*
2. C has been granted leave to remain but has not yet received their BRP.
3. C has instead provided both an Application Registration Card (“**ARC**”) and the Home Office Decision Grant Letter as evidence of their identity and immigration status.
4. DWP operational guidance ‘Refugees and Asylum Seekers’ (V13)[[3]](#footnote-4) states:

*“Where the claimant has not received their biometric residence permit (BRP) card to prove their identity, they can be asked to provide the following documents:*

*• ARC (Application Registration Card)*

*• Home Office Decision Grant Letter*

*These documents can be used together in place of a BRP card to verify identity if the information is the same on both and confirmed by the Home Office.*

*Both documents must be provided and not one without the other to be accepted as*

*proof of identity.”*

1. DWP operational guidance ‘Identity verification’ (V19.0)[[4]](#footnote-5) states:

*“Claimants who do not confirm their identity online must provide one piece of*

*primary evidence and two pieces of secondary evidence when they attend their*

*Initial Evidence Interview.”*

1. C provided the following pieces of evidence listed in DWP operational guidance ‘Primary evidence’ (V5)[[5]](#footnote-6) (note that expired documents are acceptable) to SSWP on [date] [how provided]:
	* + [primary evidence type doc].
		+ [primary evidence type doc]
		+ [primary evidence type doc]
2. C has provided the following pieces of evidence listed in DWP operational guidance ‘Secondary evidence’[[6]](#footnote-7):
	* + [secondary evidence type]
		+ [secondary evidence type doc]
		+ [secondary evidence type doc]
3. C’s evidence of identity further confirms C’s status as a refugee [edit if other status]. If SSWP is not satisfied that C has refugee status, SSWP should contact the Home Office to confirm.
4. Parliamentary Under-Secretary Mims Davies MP stated in answer to a House of Commons written question on 13/11/23 that DWP Decision Makers should:

*“consider all available evidence when assessing a benefit claim, including checking directly with the Home Office to confirm immigration status where they are unsure.”*

1. This approach is consistent with the pragmatic approach described in *Kerr (AP) v Department for Social Development (Northern Ireland*) [2004] UKHL 23*.* Lady Hale confirmed the DWP’s duties when determining a claim where relevant facts are available to the DWP and it is not possible for C to provide evidence of the same:

*62.  What emerges from all this is a* ***co-operative******process of investigation*** *in which both the claimant and the department play their part. The department is the one which knows what questions it needs to ask and what information it needs to have in order to determine whether the conditions of entitlement have been met. The claimant is the one who generally speaking can and must supply that information. But* ***where the information is available to the department rather than the claimant, then the department must take the necessary steps to enable it to be traced****.*

*63.  If that sensible approach is taken, it will rarely be necessary to resort to concepts taken from adversarial litigation such as the burden of proof. The first question will be whether each partner in the process has played their part. If there is still ignorance about a relevant matter then generally speaking it should be determined against the one who has not done all they reasonably could to discover it. As Mr Commissioner Henty put it in decision CIS/5321/1998, "a claimant must to the best of his or her ability give such information to the AO as he reasonably can,* ***in default of which a contrary inference can always be drawn."******The same should apply to information which the department can reasonably be expected to discover for itself****.*

(Emphasis added)

1. Exemption from the HRT
2. The evidence provided by C to SSWP, or confirmed by the Home Office to SSWP, confirms C’s status as a refugee [or other status].
3. **As such, C is exempt from the HRT under Reg.** 9(4) of the Universal Credit Regulations 2013 (“**UC Regs**”)**:**

***9.****—(1) For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where a person falls within paragraph (4), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.*

 *(4) A person falls within this paragraph if the person is—*

 [*…*]

*(d) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;*

*(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971;*

*(f) a person who has humanitarian protection granted under those rules; or*

*(g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.*

1. **SSWP’s Advice for Decision Making (”ADM”) guidance Chapter ‘C1: Universal Credit - International Issues’, demonstrates DWP policy and includes:**

***C1280 Persons who are determined to have certain specific rights to reside are not subject to the requirement that they be habitually resident in the CTA. These persons are***

***[…]***

***4. a refugee7 (see C1376 to C1377)***

***5. a person 8 who***

 ***5.1 has been granted discretionary leave to enter or remain in the UK outside the Immigration Rules (see C1378) or***

***5.2 has been granted leave to remain outside the Immigration Rules under the Domestic Violence concession (see C1380 to C1383) or***

***5.3 is deemed to have been granted leave outside the Immigration Rules by virtue of specific legislation which, in accordance with an EU directive provides temporary protection to persons affected when the Council of the EU decides that there is (or will be) a mass influx of displaced persons who cannot return to their country of origin.***

***[…]***

***6. a person who has humanitarian protection granted under the immigration rules9 (see C1384)***

***7. a person who is not a PSIC (see paragraph C1040 et seq) who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK10***

***7 UC Regs reg 9(4)(d); 8 reg 9(4)(e); 9 reg 9(4)(f); 10 reg 9(4)(g)***

***C1376 Refugees1 are people who are outside their country of origin and are unwilling to return there for fear of persecution because of their***

***• race***

***• religion***

***• nationality***

***• political opinion***

***• membership of a social group.***

 ***1 Convention relating to the Status of***

***Refugees, Art. 1 (as extended)***

***C1378 The HO may alternatively grant discretionary leave outside the immigration rules.***

***C1379 Humanitarian protection and discretionary leave replaced exceptional leave to enter or remain from 1 April 2003 but there will still be residual cases of exceptional leave to 2007. Whereas indefinite leave to remain gave a right to permanent residence, limited leave, humanitarian protection, discretionary leave and exceptional leave do not guarantee that right.***

***The HO may refer to***

***1. limited leave given to refugees or***

***2. exceptional leave to remain or***

***3. leave to remain on an exceptional basis or***

***4. humanitarian protection or***

***5. discretionary leave.***

***A claimant given one of the above is not subject to the habitual residence test1 for as long as the leave lasts, including periods when he/she has applied in time for an extension of leave.***

***1 UC Regs, reg 9(4)(e) & (f)***

***C1384 The HO may grant humanitarian protection within the immigration rules to persons who have not been recognised as refugees but who are considered likely to face serious harm in their country of origin. As with refugees the family members of a person granted humanitarian protection are allowed to join that person and are granted the same leave. Under EU law common criteria for the identification of persons genuinely in need of international protection are applied across EU Member States1. A new category of protection is introduced, known as subsidiary protection, which is aligned with the present category of humanitarian protection. Persons granted humanitarian protection within the immigration rules do not have to satisfy the habitual residence test2.***

***1 Directive 2004/83/EC; 2 UC Regs, reg 9(4)(f)***

***C1671 People recognized as refugees by the Immigration and Nationality Directorate are granted asylum. From 30 August 2005 they will have been granted limited leave to enter or remain for five years, rather than indefinite leave. Spouses, recognized civil partners, and dependent children under the age of 18 are normally allowed to join a refugee in the UK immediately, and are also granted asylum. Refugees, their spouses or recognized civil partners and dependants who are granted asylum are not subject to the habitual residence test1.***

***1 UC Regs, reg 9(4)(d)***

**(Emphasis added)**

1. *Failure to offer an advance to a newly recognised refugee*
2. SSWP’s operational guidance “Refugees and Asylum Seekers”(V13)[[7]](#footnote-8) specifically provides the following:

*“A refugee may have complex needs that require individual tailored support for making or maintaining a benefit claim, Assisted digital and Help to Claim must always be considered. …*

***A refugee must be offered an advance payment when making a new claim”.***

(Emphasis added)

1. **This guidance above builds on the provisions in** Reg. 5 of the Social Security (Payments on Account of Benefit) Regulations 2013 (“**SS (PAB) Regs**”) under which a payment on account of benefit maybe made:

### *Payment on account of benefit where there is no award of benefit*

***5.****—(1) The Secretary of State may make a payment on account of benefit to A if—*

*(a) either of paragraphs (2) or (3) applies;*

*(b) it appears to the Secretary of State likely that the* ***conditions of entitlement for benefit are satisfied*** *(or will be satisfied during the period in respect of which the payment is to be made); and*

*(c) the Secretary of State is satisfied that A is* ***in financial need****.*

*(2) This paragraph applies where A* ***has made a claim for benefit but the claim has not yet been determined****.*

*[…]*

*(Emphasis added)*

1. **C meets the conditions contained in r**eg. 5 SS (PAB) Regs as follows.

***The conditions of entitlement for benefit are satisfied***

1. **C has leave to remain as a refugee as shown on [her/his] [what evidence]. As such C is not a person** subject to immigration control under s. 115 of the Immigration and Asylum Act 1999 and is eligible to claim UC.
2. C meets the **basic conditions of entitlement for UC contained in s.4 of the Welfare Reform Act 2012:**

##### *Basic conditions*

***4.-****(1) For the purposes of section 3, a person meets the basic conditions who—*

*(a) is at least 18 years old,*

*(b) has not reached the qualifying age for state pension credit,*

*(c) is in Great Britain,*

*(d) is not receiving education*

*,…*

1. **C** is **exempt from the habitual residence test as [s/he] is a refugee and is therefore ‘in Great Britain’ under reg.** 9(4) UC Regs**:**

***9.****—(1) For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where a person falls within paragraph (4), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.*

 *(4) A person falls within this paragraph if the person is—*

*…*

*(d) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;*

1. C is aged [number], therefore over 18 and under the qualifying age for state pension credit. C is in Great Britain and not receiving education. C is both eligible to claim UC and meets the basic conditions of entitlement.

***The Claimant is in financial need***

1. **Financial need is defined as by reg. 7 SS (PAB) Regs to include “*a serious risk of damage to the health or safety of A or any member of their family*”.**
2. While waiting for [her/his] asylum claim to be determined, C was accepted as a “*person for whom support may be provided*” under s. 95 of the Immigration and Asylum Act 1999 (s. 95 Support).
3. D is aware that the C [is/was] receiving s. 95 Support when [she/he] made [her/his] claim to UC, was not in employment and had no other source of income.
4. Asylum seekers are entitled to support if they meet the ‘destitution test’. ‘Destitution’ must be understood to present “*a serious risk of damage*” to the claimant’s “*health or safety*”. A person is destitute or likely to be destitute within 14 days[[8]](#footnote-9) under s. 95(3)of the Immigration and Asylum Act 1999 where:

***95****.-(3).- (a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or*

*(b) he has adequate accommodation or the means of obtaining it, but* ***cannot meet his other essential living needs.***

(Emphasis added)

1. Section 95 Support stops after 28 days once refugee status is granted[[9]](#footnote-10).
2. Eligibility for UC started on the day refugee status was granted.
3. UC is ‘usually’ paid 5 weeks after a claim is made[[10]](#footnote-11) as it can only be paid after the end of the first monthly UC assessment period. If C had been able to make a claim to UC on the day [her/his] status was granted, there would necessarily have been a period of at least 7 days where C had no income at all.
4. In reality, due to C’s [lack of access to the internet and computer skills, language difficulties, unfamiliarity with the UK benefits system, pressures of looking for accommodation at short notice, homelessness, mental health problems…] C was unable to make an effective claim to UC until [date], [number] days after [she/he] was granted refugee status, with only [number] days of s. 95 Support remaining, s. 95 Support was the only thing standing between C and destitution.
5. C [and [her/his] family] [is/are/was/were] therefore by definition ‘destitute’, without money to meet their “essential living needs” (including food, [nappies, accommodation], or fuel), posing a “**serious risk of damage to the health or safety” of this vulnerable [individual/family] and** more than meeting the test for ‘financial need’ contained in Regs. 5(c) and 7 SS (PAB) Regs.
6. Further C informed D of [his/her] financial need [detail what was said and when, copy of journal entry? how did DWP respond?]

*The Claimant has made a claim for benefit but the claim has not yet been determined*

1. C made a claim for UC on [date]. [Her/His] claim was accepted, and [she/he] is within [her/his] first ‘assessment period’ awaiting determination of [her/his] claim.

*The Claimant is entitled to a “payment on account of benefit”.*

1. C is a refugee, [he/she] [meets/met] the conditions of entitlement to UC, [was/is] in clear and pressing financial need, and [was/is] merely waiting for [her/his] claim to be determined and paid. C [was/is] therefore unequivocally entitled to a ‘**payment on account of benefit’ and D’s failure to offer one was unequivocally in breach of D’s own operational guidance.**

**Grounds for Judicial Review**

**Ground 1: Unlawful evidence requirement and failure to take account of relevant factors and evidence**

1. C has been granted leave to remain but has not yet received [her/his] BRP.
2. C has instead provided both an Application Registration Card (“**ARC**”) and the Home Office Decision Grant Letter and [what *one piece of primary evidence and two pieces of secondary evidence*].
3. D’s guidance unequivocally provides that these documents can be used together in place of a BRP card to evidence a claimant’s identity and immigration status.
4. Where published policy exists, there is a public law for duty for decision-makers to follow it, as confirmed by Lord Dyson in *R (Lumba) v SSHD* [2011] UKSC 12 at [26]:

*“a decision-maker must follow his published policy … unless there are good reasons for not doing so.”*

1. If D does not accept C’s evidence and has “good reason” for therefore not following D’s published policy (D has provided C with no such reasons), D is under a responsibility to make enquiries of the Home office in line with the duty outlined in *Kerr* and as specifically confirmed by Mims Davies to the House of Commons “*to check[…] directly with the Home Office to confirm immigration status”.* D’s failure to accept C’s evidence in breach of D’s own guidance, and/or in the alternative to make enquiries of the Home Office is unlawful.

**Ground 2: Discriminatory application of the HRT to a refugee, contrary to law and guidance**

1. **As a refugee C is exempt from the HRT under reg.** 9(4) UC Regs**, and as confirmed in D’s ADM guidance Chapter ‘C1: Universal Credit - International Issues’.**
2. **By applying the HRT and consequently delaying the decision and payment of C’s claim until this is satisfied, D is failing to apply reg 9(4) UC Regs and is further unlawfully in breach of his own guidance and the caselaw which says that guidance should be followed (*Lumba,* as quoted above).**
3. **The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights (“ECHR”) into domestic British law.**
4. **Article 14 ECHR provides:**

**“*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*.”**

1. **Welfare benefits are a recognised form of property for the purposes of Article 1, Protocol 1 ECHR**[[11]](#footnote-12)**.**
2. **Refugees are at a recognised disadvantage in establishing ‘habitual residence’ as they are likely to have only come to the UK recently, with little documentation, then are prevented from working or having access to public funds prior to their UC claim. The impact of this disadvantage is discriminatory, but is removed by the exemption from the HRT contained in reg 9(4) UC Regs.**
3. **Failure to apply the exemption in reg 9 (4) UC Regs therefore amounts to unlawful discrimination contrary to Article 14 ECHR in conjunction with A1/P1, and the Human Rights Act 1998.**

**Ground 3: Failure to offer a UC advance to a refugee contrary to DWP guidance**

1. SSWP’s operational guidance “Refugees and Asylum Seekers”(V13)[[12]](#footnote-13) specifically provides that a “*refugee must be offered an advance payment when making a new claim”*and C demonstrably meets the eligibility conditions under the legislation.
2. C is a refugee, [he/she] meets the conditions of entitlement to UC, is in clear and pressing financial need, and is merely waiting for [her/his] claim to be determined and paid. C is therefore unequivocally entitled to a ‘**payment on account of benefit’ and D’s failure to offer an advance is unequivocally in breach of D’s own operational guidance and is unlawful.**
3. **Further, D’s failure to follow D’s own guidance and offer a payment on account of benefit disproportionately affects refugees and asylum seekers, their partners, children and dependants compared to UK nationals who make a claim to UC, as they are unlikely to be familiar with the UK benefits system, are therefore significantly less likely to be aware that a ‘payment on account of benefit’ is available in order to ask for one, and the consequences of this disadvantage are likely to be significantly more severe than for other UC claimants as the State has already accepted that claimants in C’s position are ‘destitute’ and what meagre support the State was paying to alleviate this, will necessarily have ended by the time of their first UC payment.**
4. **It is for D to justify such failure and resulting differential impact but we are not aware of any justification for the same. Accordingly, SSWP’s failure to offer a ‘payment on account of benefit’ amounts to unlawful discrimination contrary to Article 14 ECHR in conjunction with A1/P1, as incorporated into UK law by the Human Rights Act 1998.**

**Alternative remedies**

1. **C has no right of appeal against the failure to offer a UC advance, the delay caused by the unlawful imposition of the habitual residence test to C, or the failure by D to accept C’s evidence or make enquiries of the Home Office to establish C’s identity and immigration status. C is in immediate and pressing financial need. Judicial review is therefore the only effective remedy available to C.**

**The Details of the Action the Defendant is Expected to Take**

* SSWP should decide and pay C’s UC claim.
* SSWP should offer C an advance of UC pending C’s first payment.
* SSWP should pay C HRA damages in respect of discrimination experienced by C as a result of D’s actions.
* SSWP should remind his staff of the duty to take evidence other than a claimant’s BRP into account and to make enquiries of the Home Office to establish identity and immigration status.
* SSWP should remind his staff of the duty to offer claimants with refugee status an advance when they make a claim for UC.
* SSWP should remind his staff that claimants with refugee status are exempt from the HRT and deciding claims should not be delayed pending HRT decisions.

**The Details of Documents that are Considered Relevant and Necessary**

**Please enclosed copies of the following documents:**

* **Signed form of authority**
* **Confirmation of C’s LTR**
* **All other evidence available via C’s online UC journal.**

**ADR Proposals**

Please confirm in your reply whether D is willing to consider alternative dispute resolution.

**The Address for Reply and Service of Court Documents**

**[advice agency name and address]**

**Proposed Reply Date**

We expect a reply promptly and in any event no later than **[date]** (14 days).

Should you require more time to consider the matter fully please send an interim reply and propose a reasonable extension, giving a date by which SSWP expects to respond substantively, accompanied with reasons why the deadline cannot be met.

**Should we not have received a reply by this time we will issue proceedings for judicial review without further notice to you.**

Yours faithfully,

*Encs.*

1. assets.publishing.service.gov.uk/media/657c891d83ba380013e1b66c/List-of-Authorised-Government-Departments-under-s.17-Crown-Proceedings-Act-1947-15.12.2023.pdf [↑](#footnote-ref-2)
2. gov.uk/government/organisations/government-legal-department [↑](#footnote-ref-3)
3. Refugees and Asylum Seekers v13.0, rightsnet.org.uk/universal-credit-guidance [↑](#footnote-ref-4)
4. data.parliament.uk/DepositedPapers/Files/DEP2023-0791/080.\_Identity\_verification\_V19.0.pdf [↑](#footnote-ref-5)
5. whatdotheyknow.com/request/updated\_uc\_guidance\_on\_refugees/response/2480153/attach/4/Primary%20evidence%20V5.0.pdf [↑](#footnote-ref-6)
6. whatdotheyknow.com/request/identity\_verification\_processes\_2/response/1797693/attach/6/Secondary%20evidence.pdf [↑](#footnote-ref-7)
7. V13 provided in response to an FOI request whatdotheyknow.com/request/updated\_uc\_guidance\_on\_refugees/response/2480153/attach/5/Refugees%20and%20Asylum%20Seekers%20V13.0.pdf[C:\Users\LDalton\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\M5ZNUR0F\data.parliament.uk\DepositedPapers\Files\DEP2021-0349\121\_Refugees\_and\_Asylum\_Seekers\_v11.pdf](file:///C%3A%5CUsers%5CLDalton%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CM5ZNUR0F%5Cdata.parliament.uk%5CDepositedPapers%5CFiles%5CDEP2021-0349%5C121_Refugees_and_Asylum_Seekers_v11.pdf) [↑](#footnote-ref-8)
8. Reg. 7a Asylum Support Regulations 2000 No. 704 [↑](#footnote-ref-9)
9. s. 94(3) Immigration and Asylum Act 1999, Reg 2 and 2A Asylum Support Regulations 2000 (as inserted by s.3 Asylum Support (Amendment) Regulations 2002) [↑](#footnote-ref-10)
10. www.gov.uk/universal-credit/how-youre-paid [↑](#footnote-ref-11)
11. S**ee for example *Stec & Ors v UK*** [2005] ECHR 924, (2005) 41 EHRR SE 295, (2005) 41 EHRR SE 18 [↑](#footnote-ref-12)
12. V13 provided in response to an FOI request whatdotheyknow.com/request/updated\_uc\_guidance\_on\_refugees/response/2480153/attach/5/Refugees%20and%20Asylum%20Seekers%20V13.0.pdf [↑](#footnote-ref-13)