

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Interpretation

This version in force from: **November 3, 2008** to **present**

(version 3 of 4)

94.— Interpretation of Part VI.

(1) In this Part—

[...] ¹

“asylum-seeker” means a person who is not under 18 and has made a claim for asylum which has been recorded by the Secretary of State but which has not been determined;

“claim for asylum” means a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention, or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom;

“the Department” means the Department of Health and Social Services for Northern Ireland;

“dependant”, in relation to an asylum-seeker or a supported person, means a person in the United Kingdom who—

(a) is his spouse;

(b) is a child of his, or of his spouse, who is under 18 and dependent on him; or

(c) falls within such additional category, if any, as may be prescribed;

“the Executive” means the Northern Ireland Housing Executive;

“housing accommodation” includes flats, lodging houses and hostels;

“local authority” means—

(a) in England and Wales, a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London

or the Council of the Isles of Scilly;

(b) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

["*Northern Ireland authority*" has the meaning given by [section 110\(9\)](#);] ²

"supported person" means—

(a) an asylum-seeker, or

(b) a dependant of an asylum-seeker,

who has applied for support and for whom support is provided under section 95.

(2) References in this Part to support provided under section 95 include references to support which is provided under arrangements made by the Secretary of State under that section.

(3) For the purposes of this Part, a claim for asylum is determined at the end of such period beginning—

(a) on the day on which the Secretary of State notifies the claimant of his decision on the claim, or

(b) if the claimant has appealed against the Secretary of State decision, on the day on which the appeal is disposed of,

as may be prescribed.

(4) An appeal is disposed of when it is no longer pending for the purposes of the Immigration Acts or the Special Immigration Appeals Commission Act 1997.

(5) If an asylum-seeker's household includes a child who is under 18 and a dependant of his, he is to be treated (for the purposes of this Part) as continuing to be an asylum-seeker while—

(a) the child is under 18; and

(b) he and the child remain in the United Kingdom.

(6) Subsection (5) does not apply if, on or after the determination of his claim for asylum, the asylum-seeker is granted leave to enter or remain in the United Kingdom (whether or not as a result of that claim).

(7) For the purposes of this Part, the Secretary of State may inquire into, and decide, the age of any person.

(8) A notice under subsection (3) must be given in writing.

(9) If such a notice is sent by the Secretary of State by first class post, addressed—

(a) to the asylum-seeker's representative, or

(b) to the asylum-seeker's last known address,

it is to be taken to have been received by the asylum-seeker on the second day after the day on which it was posted.

Notes

[1](#) . Definition repealed by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.180](#) (November 3, 2008)

[2](#) . Definition inserted by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.60\(2\)](#) (February 10, 2003)

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Interpretation

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Provision of support

This version in force from: **November 7, 2002** to **present**

(version 2 of 2)

95.— Persons for whom support may be provided.

(1) The Secretary of State may provide, or arrange for the provision of, support for—

(a) asylum-seekers, or

(b) dependants of asylum-seekers,

who appear to the Secretary of State to be destitute or to be likely to become destitute within such period as may be prescribed.

(2) In prescribed circumstances, a person who would otherwise fall within subsection (1) is excluded.

(3) For the purposes of this section, a person is destitute if—

(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.

(4) If a person has dependants, subsection (3) is to be read as if the references to him were references to him and his dependants taken together.

(5) In determining, for the purposes of this section, whether a person's

accommodation is adequate, the Secretary of State—

(a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but

(b) may not have regard to such matters as may be prescribed for the purposes of this paragraph or to any of the matters mentioned in subsection (6).

(6) Those matters are—

(a) the fact that the person concerned has no enforceable right to occupy the accommodation;

(b) the fact that he shares the accommodation, or any part of the accommodation, with one or more other persons;

(c) the fact that the accommodation is temporary;

(d) the location of the accommodation.

(7) In determining, for the purposes of this section, whether a person's other essential living needs are met, the Secretary of State—

(a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but

(b) may not have regard to such matters as may be prescribed for the purposes of this paragraph.

(8) The Secretary of State may by regulations provide that items or expenses of such a description as may be prescribed are, or are not, to be treated as being an essential living need of a person for the purposes of this Part.

(9) Support may be provided subject to conditions.

[(9A) A condition imposed under subsection (9) may, in particular, relate to—

(a) any matter relating to the use of the support provided, or

(b) compliance with a restriction imposed under [paragraph 21 of Schedule 2](#) to the 1971 Act (temporary admission or release from detention) or [paragraph 2](#) or [5 of Schedule 3](#) to that Act (restriction pending deportation).

] ¹

(10) The conditions must be set out in writing.

(11) A copy of the conditions must be given to the supported person.

(12) [Schedule 8](#) gives the Secretary of State power to make regulations supplementing this section.

(13) [Schedule 9](#) makes temporary provision for support in the period before the coming into force of this section.

Notes

¹. Added by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.50\(1\)](#) (November 7, 2002)

Modifications

Pt VI s. 95(2)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(3)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(4)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
	Modified by Immigration and Asylum Act 1999 c. 33, Sch. 9 para. 3
	Modified by Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005/2078, art. 14
	Modified for the purposes specified in 2014 anaw.4 s.46(1) by Social Services and Well-being (Wales) Act 2014 anaw. 4, Pt 4 s. 46(2)

Pt VI s. 95(5)	Modified by Health Services and Public Health Act 1968 c. 46, Pt II s. 45(4B)
	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
	Modified by Immigration and Asylum Act 1999 c. 33, Sch. 9 para. 3
	Modified by Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005/2078, art. 14
	Modified in relation to a local authority by National Assistance Act 1948 c. 29, Pt III s. 21
	Modified for the purposes specified in 2014 anaw.4 s.46(1) by Social Services and Well-being (Wales) Act 2014 anaw. 4, Pt 4 s. 46(2)
Pt VI s. 95(6)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(7)	Modified by Health Services and Public Health Act 1968 c. 46, Pt II s. 45(4B)
	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
	Modified in relation to a local authority by National Assistance Act 1948 c. 29, Pt III s. 21
Pt VI s. 95(8)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(9)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(9A)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(10)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)
Pt VI s. 95(11)	Modified by Immigration and Asylum Act 1999 c. 33, Pt VI s. 98(3)

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Dependants

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Provision of support

This version in force from: **November 7, 2002** to **present**

(version 3 of 4)

96.— Ways in which support may be provided.

(1) Support may be provided under [section 95](#)—

(a) by providing accommodation appearing to the Secretary of State to be adequate for the needs of the supported person and his dependants (if any);

(b) by providing what appear to the Secretary of State to be essential living needs of the supported person and his dependants (if any);

(c) to enable the supported person (if he is the asylum-seeker) to meet what appear to the Secretary of State to be expenses (other than legal expenses or other expenses of a prescribed description) incurred in connection with his claim for asylum;

(d) to enable the asylum-seeker and his dependants to attend bail proceedings in connection with his detention under any provision of the Immigration Acts;
or

(e) to enable the asylum-seeker and his dependants to attend bail proceedings in connection with the detention of a dependant of his under any such provision.

(2) If the Secretary of State considers that the circumstances of a particular case are exceptional, he may provide support under [section 95](#) in such other ways as he considers necessary to enable the supported person and his dependants (if any) to be supported.

[...] ¹

[...] ²

Notes

1. Repealed by Asylum Support (Repeal) Order 2002/782 [art.2](#) (April 8, 2002)
2. Repealed by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt.3 s.61\(a\)](#) (November 7, 2002)

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Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Provision of support

This version in force from: **April 29, 2013** to **present**

(version 2 of 2)

97.— Supplemental.

(1) When exercising his power under [section 95](#) to provide accommodation, the Secretary of State must have regard to—

(a) the fact that the accommodation is to be temporary pending determination of the asylum-seeker's claim;

(b) the desirability, in general, of providing accommodation in areas in which there is a ready supply of accommodation; and

(c) such other matters (if any) as may be prescribed.

(2) But he may not have regard to—

(a) any preference that the supported person or his dependants (if any) may have as to the locality in which the accommodation is to be provided; or

(b) such other matters (if any) as may be prescribed.

(3) The Secretary of State may by order repeal all or any of the following—

(a) subsection (1)(a);

(b) subsection (1)(b);

(c) subsection (2)(a).

(4) When exercising his power under [section 95](#) to provide essential living needs, the Secretary of State—

(a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but

(b) may not have regard to such other matters as may be prescribed for the purposes of this paragraph.

(5) In addition, when exercising his power under [section 95](#) to provide essential living needs, the Secretary of State may limit the overall amount of the expenditure which he incurs in connection with a particular supported person—

[

(za) to such portion of the maximum amount of an award of universal credit under [section 8\(1\)](#) of the [Welfare Reform Act 2012](#), or

] ¹

(a) to such portion of the income support applicable amount provided under [section 124](#) of the [Social Security Contributions and Benefits Act 1992](#), or

(b) to such portion of any components [or elements] ²

of that amount,

as he considers appropriate having regard to the temporary nature of the support that he is providing.

(6) For the purposes of subsection (5), any support of a kind falling within [section 96\(1\)\(c\)](#) is to be treated as if it were the provision of essential living needs.

(7) In determining how to provide, or arrange for the provision of, support under [section 95](#), the Secretary of State may disregard any preference which the supported person or his dependants (if any) may have as to the way in which the

support is to be given.

Notes

1. Added by Welfare Reform Act 2012 c. 5 [Sch.2 para.53\(a\)](#) (April 29, 2013)
2. Words inserted by Welfare Reform Act 2012 c. 5 [Sch.2 para.53\(b\)](#) (April 29, 2013)

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Subject: Immigration

Keywords: Asylum support; Ministers' powers and duties; Residential accommodation; Supplemental provisions

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Provision of support

This version in force from: **March 1, 2000** to **present**

(version 1 of 1)

98.— Temporary support.

(1) The Secretary of State may provide, or arrange for the provision of, support for—

(a) asylum-seekers, or

(b) dependants of asylum-seekers,

who it appears to the Secretary of State may be destitute.

(2) Support may be provided under this section only until the Secretary of State is able to determine whether support may be provided under [section 95](#).

(3) [Subsections \(2\) to \(11\) of section 95](#) apply for the purposes of this section as they apply for the purposes of that section.

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Dependants; Ministers' powers and duties

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Support and assistance by local authorities etc.

This version in force from: **June 16, 2006** to **present**

(version 3 of 3)

99.— Provision of support by local authorities.

(1) A local authority [or Northern Ireland authority] ¹
 may provide support for [persons] ²
 in accordance with arrangements made by the Secretary of State under [[section 4, 95](#) or [98](#)] ³

[(2) Support may be provided by an authority in accordance with arrangements made with the authority or with another person.

(3) Support may be provided by an authority in accordance with arrangements made under [section 95](#) only in one or more of the ways mentioned in [section 96\(1\) and \(2\)](#).

] ⁴

(4) [An authority] ⁵
 may incur reasonable expenditure in connection with the preparation of proposals for entering into arrangements under [section [4,] ⁷
 95 or 98] ⁶

(5) The powers conferred on [an authority] ⁸
 by this section include power to—

(a) provide services outside their area;

(b) provide services jointly with one or more [other bodies] ⁹

;

(c) form a company for the purpose of providing services;

(d) tender for contracts (whether alone or with any other person).

Notes

1. Words inserted by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.56\(2\)\(a\)](#) (November 7, 2002)
2. Words substituted by Immigration, Asylum and Nationality Act 2006 c. 13 [s.43\(1\)\(a\)](#) (June 16, 2006)
3. Word inserted by Immigration, Asylum and Nationality Act 2006 c. 13 [s.43\(1\)\(b\)](#) (June 16, 2006)
4. Substituted by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.56\(3\)](#) (November 7, 2002)
5. Words substituted by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.56\(4\)\(a\)](#) (November 7, 2002)
6. Words added by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.56\(4\)\(b\)](#) (November 7, 2002)
7. Word inserted by Immigration, Asylum and Nationality Act 2006 c. 13 [s.43\(2\)](#) (June 16, 2006)
8. Words substituted by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.56\(5\)\(a\)](#) (November 7, 2002)
9. Words substituted by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.56\(5\)\(b\)](#) (November 7, 2002)

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Subject: Immigration

Keywords: Asylum support; Local authorities' powers and duties

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Support and assistance by local authorities etc.

This version in force from: **April 1, 2010** to **present**

(version 2 of 2)

100.— Local authority and other assistance for Secretary of State.

(1) This section applies if the Secretary of State asks—

(a) a local authority,

[

(aa) a private registered provider of social housing,

] ¹

(b) a registered social landlord,

(c) a registered housing association in Scotland or Northern Ireland, or

(d) the Executive,

to assist him to exercise his power under [section 95](#) to provide accommodation.

(2) The person to whom the request is made must co-operate in giving the Secretary of State such assistance in the exercise of that power as is reasonable in the circumstances.

(3) Subsection (2) does not require [a private registered provider of social housing or] ²

a registered social landlord to act beyond its powers.

(4) A local authority must supply to the Secretary of State such information about their housing accommodation (whether or not occupied) as he may from time to time request.

(5) The information must be provided in such form and manner as the Secretary of State may direct.

(6) "*Registered social landlord*" has the same meaning as in [Part I](#) of the [Housing Act 1996](#).

(7) "*Registered housing association*" has the same meaning—

(a) in relation to Scotland, as in the [Housing Associations Act 1985](#); and

(b) in relation to Northern Ireland, as in Part II of the Housing (Northern Ireland) Order 1992.

Notes

1. Added by Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010/866 [Sch.2 para.118\(2\)](#) (April 1, 2010)
2. Words inserted by Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010/866 [Sch.2 para.118\(3\)](#) (April 1, 2010)

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Subject: Housing **Other related subjects:** Immigration

Keywords: Local authorities; Ministers' powers and duties; Residential accommodation

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Support and assistance by local authorities etc.

This version in force from: **April 3, 2000** to **present**

(version 1 of 1)

101.— Reception zones.

(1) The Secretary of State may by order designate as reception zones—

(a) areas in England and Wales consisting of the areas of one or more local authorities;

(b) areas in Scotland consisting of the areas of one or more local authorities;

(c) Northern Ireland.

(2) Subsection (3) applies if the Secretary of State considers that—

(a) a local authority whose area is within a reception zone has suitable housing accommodation within that zone; or

(b) the Executive has suitable housing accommodation.

(3) The Secretary of State may direct the local authority or the Executive to make available such of the accommodation as may be specified in the direction for a period so specified—

(a) to him for the purpose of providing support under [section 95](#); or

(b) to a person with whom the Secretary of State has made arrangements under [section 95](#).

(4) A period specified in a direction under subsection (3)—

(a) begins on a date so specified; and

(b) must not exceed five years.

(5) A direction under subsection (3) is enforceable, on an application made on behalf of the Secretary of State, by injunction or in Scotland an order under [section 45\(b\)](#) of the [Court of Session Act 1988](#).

(6) The Secretary of State's power to give a direction under subsection (3) in respect of a particular reception zone must be exercised by reference to criteria specified for the purposes of this subsection in the order designating that zone.

(7) The Secretary of State may not give a direction under subsection (3) in respect of a local authority in Scotland unless the Scottish Ministers have confirmed to him that the criteria specified in the designation order concerned are in their opinion met in relation to that authority.

(8) Housing accommodation is suitable for the purposes of subsection (2) if it—

(a) is unoccupied;

(b) would be likely to remain unoccupied for the foreseeable future if not made available; and

(c) is appropriate for the accommodation of persons supported under this Part or capable of being made so with minor work.

(9) If housing accommodation for which a direction under this section is, for the time being, in force—

(a) is not appropriate for the accommodation of persons supported under this Part, but

(b) is capable of being made so with minor work,

the direction may require the body to whom it is given to secure that that work is done without delay.

(10) The Secretary of State must make regulations with respect to the general management of any housing accommodation for which a direction under subsection (3) is, for the time being, in force.

(11) Regulations under subsection (10) must include provision—

(a) as to the method to be used in determining the amount of rent or other charges to be payable in relation to the accommodation;

(b) as to the times at which payments of rent or other charges are to be made;

(c) as to the responsibility for maintenance of, and repairs to, the accommodation;

(d) enabling the accommodation to be inspected, in such circumstances as may be prescribed, by the body to which the direction was given;

(e) with respect to the condition in which the accommodation is to be returned when the direction ceases to have effect.

(12) Regulations under subsection (10) may, in particular, include provision—

(a) for the cost, or part of the cost, of minor work required by a direction under this section to be met by the Secretary of State in prescribed circumstances;

(b) as to the maximum amount of expenditure which a body may be required to incur as a result of a direction under this section.

(13) The Secretary of State must by regulations make provision (“the dispute resolution procedure”) for resolving disputes arising in connection with the

operation of any regulations made under subsection (10).

(14) Regulations under subsection (13) must include provision—

(a) requiring a dispute to be resolved in accordance with the dispute resolution procedure;

(b) requiring the parties to a dispute to comply with obligations imposed on them by the procedure; and

(c) for the decision of the person resolving a dispute in accordance with the procedure to be final and binding on the parties

(15) Before—

(a) designating a reception zone in Great Britain,

(b) determining the criteria to be included in the order designating the zone, or

(c) making regulations under subsection (13),

the Secretary of State must consult such local authorities, local authority associations and other persons as he thinks appropriate.

(16) Before—

(a) designating Northern Ireland as a reception zone, or

(b) determining the criteria to be included in the order designating Northern Ireland,

the Secretary of State must consult the Executive and such other persons as he thinks appropriate.

(17) Before making regulations under subsection (10) which extend only to Northern Ireland, the Secretary of State must consult the Executive and such other persons as he thinks appropriate.

(18) Before making any other regulations under subsection (10), the Secretary of State must consult—

(a) such local authorities, local authority associations and other persons as he thinks appropriate; and

(b) if the regulations extend to Northern Ireland, the Executive.

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Subject: Immigration

Keywords: Area; Asylum support; Local authorities; Ministers' powers and duties; Residential accommodation

Status: **R** Repealed

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Appeals

Repealed on: **November 3, 2008**

(version 2 of 2)

[...] ¹

Notes

¹. Repealed by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.181](#) (November 3, 2008)

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Subject: Immigration

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Appeals

This version in force from: **November 3, 2008** to **present**

(version 3 of 4)

103.— Appeals.

(1) If, on an application for support under [section 95](#) , the Secretary of State decides that the applicant does not qualify for support under that section, the applicant may appeal to [the First-tier Tribunal] ¹

.

(2) If the Secretary of State decides to stop providing support for a person under [section 95](#) before that support would otherwise have come to an end, that person may appeal to [the First-tier Tribunal] ¹

.

[(2A) If the Secretary of State decides not to provide accommodation for a person under [section 4](#) , or not to continue to provide accommodation for a person under section 4, the person may appeal to [the First-tier Tribunal] ¹

.

] ²

(3) On an appeal under this section, the [First-tier Tribunal] ³
may—

(a) require the Secretary of State to reconsider the matter;

(b) substitute [its] ⁴

decision for the decision appealed against; or

(c) dismiss the appeal.

[...] ⁵

(5) The decision of the [First-tier Tribunal] ³

is final.

(6) If an appeal is dismissed, no further application by the appellant for support under [section 4 or 95] ⁶

is to be entertained unless the Secretary of State is satisfied that there has been a material change in the circumstances.

(7) The Secretary of State may by regulations provide for decisions as to where support provided under [section 4 or 95] ⁶

is to be provided to be appealable to [the First-tier Tribunal] ¹

under this Part.

(8) Regulations under subsection (7) may provide for any provision of this section to have effect, in relation to an appeal brought by virtue of the regulations, subject to such modifications as may be prescribed.

(9) The Secretary of State may pay any reasonable travelling expenses incurred by an appellant in connection with attendance at any place for the purposes of an appeal under this section.

Notes

¹. Words substituted by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.182\(a\)](#) (November 3, 2008)

². Added by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 c. 19 [s.10\(3\)\(a\)](#) (March 31, 2005)

³. Word substituted by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.182\(b\)](#) (November 3, 2008)

⁴. Word substituted by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.182\(c\)](#) (November 3, 2008)

⁵. Repealed by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.182\(d\)](#) (November 3, 2008)

⁶. Words substituted by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 c. 19 [s.10\(3\)\(b\)](#) (March 31, 2005)

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Subject: Immigration

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Residential accommodation; Travelling expenses

Status: 🟡 Not Yet In Force ⚠️ Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Appeals

This version in force from: **date to be appointed**

(version 1 of 2)

[103A Appeals: location of support under section 95

(1) The Secretary of State may by regulations provide for a decision as to where support provided under [section 95](#) is to be provided to be appealable to an adjudicator under this Part.

(2) Regulations under this section may provide for a provision of [section 103](#) to have effect in relation to an appeal under the regulations with specified modifications.



] ¹

Notes

[1.](#) Ss.103-103B substituted for s.103 by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.53](#) (date to be appointed)

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Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Appeals

This version in force from: **date to be appointed**

(version 1 of 1)

[103B Appeals: travelling expenses

The Secretary of State may pay reasonable travelling expenses incurred by an appellant in connection with attendance for the purposes of an appeal under or by virtue of [section 103 or 103A](#).

] ¹

Notes

[1](#) . Ss.103-103B substituted for s.103 by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.53](#) (date to be appointed)

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Subject: Immigration

Status: **R** Repealed

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Appeals

Repealed on: **November 3, 2008**

(version 3 of 3)

[...] ¹

Notes

¹. Repealed by Transfer of Tribunal Functions Order 2008/2833 [Sch.3 para.185](#) (November 3, 2008)

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Subject: Immigration

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **November 11, 1999** to **present**

(version 1 of 2)

105.— False representations.

(1) A person is guilty of an offence if, with a view to obtaining support for himself or any other person under any provision made by or under this Part, he—

(a) makes a statement or representation which he knows is false in a material particular,

(b) produces or gives to a person exercising functions under this Part, or knowingly causes or allows to be produced or given to such a person, any document or information which he knows is false in a material particular;

(c) fails, without reasonable excuse, to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or

(d) without reasonable excuse, knowingly causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.

(2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.

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Subject: Criminal law **Other related subjects:** Immigration

Keywords: Asylum support; Immigration offences; Misrepresentation

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **November 11, 1999** to **present**

(version 1 of 1)

106.— Dishonest representations.

(1) A person is guilty of an offence if, with a view to obtaining any benefit or other payment or advantage under this Part for himself or any other person, he dishonestly—

(a) makes a statement or representation which is false in a material particular;

(b) produces or gives to a person exercising functions under this Part, or causes or allows to be produced or given to such a person, any document or information which is false in a material particular;

(c) fails to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or

(d) causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.

(3) In the application of this section to Scotland, in subsection (1) for “dishonestly”

substitute "knowingly"

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Subject: Criminal law **Other related subjects:** Immigration

Keywords: Asylum support; Dishonesty; Immigration offences

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **November 11, 1999** to **present**

(version 1 of 1)

107.— Delay or obstruction.

(1) A person is guilty of an offence if, without reasonable excuse, he—

(a) intentionally delays or obstructs a person exercising functions conferred by or under this Part; or

(b) refuses or neglects to answer a question, give any information or produce a document when required to do so in accordance with any provision made by or under this Part.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Subject: Criminal law **Other related subjects:** Immigration

Keywords: Asylum support; Delay; Immigration offences; Obstruction

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **November 11, 1999** to **present**

(version 1 of 2)

108.— Failure of sponsor to maintain.

(1) A person is guilty of an offence if, during any period in respect of which he has given a written undertaking in pursuance of the immigration rules to be responsible for the maintenance and accommodation of another person—

(a) he persistently refuses or neglects, without reasonable excuse, to maintain that person in accordance with the undertaking; and

(b) in consequence of his refusal or neglect, support under any provision made by or under this Part is provided for or in respect of that person.

(2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale, or to both.

(3) For the purposes of this section, a person is not to be taken to have refused or neglected to maintain another person by reason only of anything done or omitted in furtherance of a trade dispute.

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Subject: Criminal law **Other related subjects:** Immigration

Keywords: Failure to maintain; Immigration offences; Sponsored immigrants

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **November 11, 1999** to **present**

(version 1 of 1)

109.— Supplemental.

(1) If an offence under [section 105, 106, 107 or 108](#) committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer, or

(b) to be attributable to neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) "*Officer*", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity.

(3) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) If an offence under [section 105, 106, 107 or 108](#) committed by a partnership in Scotland is proved—

(a) to have been committed with the consent or connivance of a partner, or

(b) to be attributable to neglect on his part,

the partner as well as the partnership is guilty of the offence and liable to be

proceeded against and punished accordingly.

(5) "*Partner*" includes a person purporting to act as a partner.

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Subject: Criminal law **Other related subjects:** Immigration

Keywords: Asylum support; Corporate liability; Criminal liability; Directors' liabilities; Immigration offences; Supplemental provisions

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **January 31, 2008** to **present**

(version 1 of 1)

[109A Arrest

An immigration officer may arrest without warrant a person whom the immigration officer reasonably suspects has committed an offence under [section 105 or 106](#).

] ¹

Notes

¹. Added by UK Borders Act 2007 c. 30 [s.18](#) (January 31, 2008)

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Subject: Immigration

Keywords: Arrest without warrant; Asylum support; Dishonesty; Immigration offences; Immigration officers; Misrepresentation; Powers rights and duties

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Offences

This version in force from: **January 31, 2008 to present**

(version 1 of 1)

[109B Entry, search and seizure

(1) An offence under [section 105 or 106](#) shall be treated as–

(a) a relevant offence for the purposes of [sections 28B](#) and [28D](#) of the [Immigration Act 1971](#), and

(b) an offence under [Part 3](#) of that Act (criminal proceedings) for the purposes of [sections 28\(4\)](#), [28E](#), [28G and 28H](#) (search after arrest, &c.) of that Act.

(2) The following provisions of the [Immigration Act 1971 \(c. 77\)](#) shall have effect in connection with an offence under section 105 or 106 of this Act as they have effect in connection with an offence under that Act–

(a) [section 28I](#) (seized material: access and copying),

(b) [section 28J](#) (search warrants: safeguards),

(c) [section 28K](#) (execution of warrants), and

(d) section 28L(1) (interpretation).

] ¹

Notes

1. Added by UK Borders Act 2007 c. 30 [s.18](#) (January 31, 2008)

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Subject: Immigration

Keywords: Access; Asylum support; Dishonesty; Immigration offences; Misrepresentation; Search warrants; Seized property

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Expenditure

This version in force from: **February 10, 2003** to **present**

(version 2 of 2)

110.— Payments to local authorities.

(1) The Secretary of State may from time to time pay to any local authority or Northern Ireland authority such sums as he considers appropriate in respect of expenditure incurred, or to be incurred, by the authority in connection with—

(a) persons who are, or have been, asylum-seekers; and

(b) their dependants

(2) The Secretary of State may from time to time pay to any—

(a) local authority,

(b) local authority association, or

(c) Northern Ireland authority,

such sums as he considers appropriate in respect of services provided by the authority or association in connection with the discharge of functions under this Part.

(3) The Secretary of State may make payments to any local authority towards the discharge of any liability of supported persons or their dependants in respect of council tax payable to that authority.

(4) The Secretary of State must pay to a body to which a direction under [section](#)

[101\(3\)](#) is given such sums as he considers represent the reasonable costs to that body of complying with the direction.

(5) The Secretary of State must pay to a directed body sums determined to be payable in relation to accommodation made available by that body under [section 101\(3\)\(a\)](#).

(6) The Secretary of State may pay to a directed body sums determined to be payable in relation to accommodation made available by that body under [section 101\(3\)\(b\)](#).

(7) In subsections (5) and (6)—

“determined” means determined in accordance with regulations made by virtue of [subsection \(11\)\(a\) of section 101](#), and

“directed body” means a body to which a direction under [subsection \(3\) of section 101](#) is given.

(8) Payments under subsection (1), (2) or (3) may be made on such terms, and subject to such conditions, as the Secretary of State may determine.

(9) *“Northern Ireland authority”* means —

(a) the Executive; or

(b) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 [; or] ¹

[

(c) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).

] ¹

Notes

1. Added by Nationality, Immigration and Asylum Act 2002 c. 41 [Pt 3 s.60\(1\)](#) (February 10, 2003)

Modifications

Pt VI s. 110	Modified by Nationality, Immigration and Asylum Act 2002 c. 41, Pt 3 s. 48(a)
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Subject: Immigration

Keywords: Asylum seekers; Dependants; Expenditure; Local authorities; Ministers' powers and duties; Payments

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Expenditure

This version in force from: **November 11, 1999** to **present**

(version 1 of 1)

111.— Grants to voluntary organisations.

(1) The Secretary of State may make grants of such amounts as he thinks appropriate to voluntary organisations in connection with—

(a) the provision by them of support (of whatever nature) to persons who are, or have been, asylum-seekers and to their dependants; and

(b) connected matters.

(2) Grants may be made on such terms, and subject to such conditions, as the Secretary of State may determine.

Modifications

Pt VI s. 111	Modified by Nationality, Immigration and Asylum Act 2002 c. 41, Pt 3 s. 48(b)
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Subject: Immigration

Keywords: Asylum support; Grants; Voluntary organisations

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Expenditure

This version in force from: **April 22, 2014** to **present**

(version 2 of 2)

112.— Recovery of expenditure on support: misrepresentation etc.

(1) This section applies if, on an application made by the Secretary of State, the court determines that—

(a) a person (“A”) has misrepresented or failed to disclose a material fact (whether fraudulently or otherwise); and

(b) as a consequence of the misrepresentation or failure, support has been provided under [section 95](#) or [98](#) (whether or not to A).

(2) If the support was provided by the Secretary of State, the court may order A to pay to the Secretary of State an amount representing the monetary value of the support which would not have been provided but for A's misrepresentation or failure.

(3) If the support was provided by another person (“B”) in accordance with arrangements made with the Secretary of State under [section 95](#) or [98](#), the court may order A to pay to the Secretary of State an amount representing the payment to B which would not have been made but for A's misrepresentation or failure.

(4) “*Court*” means a county court [in Northern Ireland or the county court in England and Wales] ¹

or, in Scotland, the sheriff .

Notes

¹ . Words inserted by Crime and Courts Act 2013 c. 22 [Sch.9\(3\) para.90\(c\)](#) (April 22, 2014: insertion has effect as SI 2014/954 subject to savings and transitional provisions specified in 2013 c.22 s.15 and Sch.8 and transitional provision specified in SI 2014/954 arts 2(c) and 3)

Modifications

Pt VI s. 112	Modified by Nationality, Immigration and Asylum Act 2002 c. 41, Pt 2 s. 35(2)
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Subject: Immigration

Keywords: Asylum support; Misrepresentation; Repayments

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Expenditure

This version in force from: **April 3, 2000** to **present**

(version 1 of 1)

113.— Recovery of expenditure on support from sponsor.

(1) This section applies if—

(a) a person (“the sponsor”) has given a written undertaking in pursuance of the immigration rules to be responsible for the maintenance and accommodation of another person; and

(b) during any period in relation to which the undertaking applies, support under [section 95](#) is provided to or in respect of that other person.

(2) The Secretary of State may make a complaint against the sponsor to a magistrates' court for an order under this section.

(3) The court—

(a) must have regard to all the circumstances (and in particular to the sponsor's income); and

(b) may order him to pay to the Secretary of State such sum (weekly or otherwise) as it considers appropriate.

(4) But such a sum is not to include any amount attributable otherwise than to support provided under [section 95](#).

(5) In determining—

(a) whether to order any payments to be made in respect of support provided under [section 95](#) for any period before the complaint was made, or

(b) the amount of any such payments,

the court must disregard any amount by which the sponsor's current income exceeds his income during that period.

(6) An order under this section is enforceable as a magistrates' court maintenance order within the meaning of [section 150\(1\)](#) of the [Magistrates' Courts Act 1980](#).

(7) In the application of this section to Scotland—

(a) omit subsection (6);

(b) for references to a complaint substitute references to an application; and

(c) for references to a magistrates' court substitute references to the sheriff.

(8) In the application of this section to Northern Ireland, for references to a magistrates' court substitute references to a court of summary jurisdiction and for subsection (6) substitute—

“(6) An order under this section is an order to which Article 98(11) of the Magistrates' Courts (Northern Ireland) Order 1981 applies.”

Modifications

Pt VI s. 113	Modified by Nationality, Immigration and Asylum Act 2002 c. 41, Pt 2 s. 35(3)
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Subject: Immigration

Keywords: Asylum support; Expenditure; Repayments; Sponsored immigrants

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Expenditure

This version in force from: **January 1, 2000** to **present**

(version 1 of 1)

114.— Overpayments.

(1) Subsection (2) applies if, as a result of an error on the part of the Secretary of State, support has been provided to a person under [section 95](#) or [98](#).

(2) The Secretary of State may recover from a person who is, or has been, a supported person an amount representing the monetary value of support provided to him as a result of the error.

(3) An amount recoverable under subsection (2) may be recovered as if it were a debt due to the Secretary of State.

(4) The Secretary of State may by regulations make provision for other methods of recovery, including deductions from support provided under [section 95](#).

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Subject: Immigration

Keywords: Asylum support; Overpayments; Repayments

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **June 20, 2016** to **present**

(version 13 of 13)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland and Northern Ireland](#)

England and Wales

[115.— Exclusion from benefits.

(1) No person is entitled [to universal credit under Part 1 of the Welfare Reform Act 2012 or] ¹

to income-based jobseeker's allowance under the Jobseekers Act 1995 or to state pension credit under the State Pension Credit Act 2002 or to income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance) [or to personal independence payment] ⁴

or to—

(a) attendance allowance,

(b) severe disablement allowance,

(c) carer's allowance,

(d) disability living allowance,

[...] ⁶

(h) a social fund payment,

(ha) health in pregnancy grant, [or] [6](#)

(i) child benefit,

[...] [6](#)

under the Social Security Contributions and Benefits Act 1992 while he is a person to whom this section applies.

(2) No person in Northern Ireland is entitled to state pension credit under the State Pension Credit Act (Northern Ireland) 2002, to income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance) [, to universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015] [10](#)

[, to personal independence payment under Part 5 of that Order] [11](#)

or to—

(a) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995, or

(b) [disability living allowance or] [12](#)

any of the benefits mentioned in paragraphs (a) to (j) of subsection (1),

under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 while he is a person to whom this section applies.

(3) This section applies to a person subject to immigration control unless he falls within such category or description, or satisfies such conditions, as may be prescribed.

(4) Regulations under subsection (3) may provide for a person to be treated for prescribed purposes only as not being a person to whom this section applies.

(5) In relation to health in pregnancy grant or child benefit, "*prescribed*" means prescribed by regulations made by the Treasury.

(6) In relation to the matters mentioned in subsection (2) (except so far as it relates to health in pregnancy grant or child benefit), "*prescribed*" means prescribed by regulations made by the Department.

(7) Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992 (supplemental powers in relation to regulations) applies to regulations made by the Secretary of State of the Treasury under subsection (3) as it applies to regulations made under that Act.

(8) Sections 133(2), 171(2) and 172(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 apply to regulations made by the Department under subsection (3) as they apply to regulations made by the Department under that Act.

(9) "*A person subject to immigration control*" means a person who is not a national of an EEA State and who—

(a) requires leave to enter or remain in the United Kingdom but does not have it;

(b) has leave to enter or remain in the United Kingdom which is subject to a condition that he does not have recourse to public funds;

(c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking; or

(d) has leave to enter or remain in the United Kingdom only as a result of paragraph 17 of Schedule 4.

(10) "*Maintenance undertaking*", in relation to any person, means a written undertaking given by another person in pursuance of the immigration rules to be responsible for that person's maintenance and accommodation.

Scotland and Northern Ireland

115.— Exclusion from benefits.

(1) No person is entitled [to universal credit under [Part 1](#) of the [Welfare Reform Act 2012](#) or] ¹

to income-based jobseeker's allowance under the [Jobseekers Act 1995](#) [or to state pension credit under the [State Pension Credit Act 2002](#)] ²

[or to income-related allowance under [Part 1](#) of the [Welfare Reform Act 2007](#) (employment and support allowance)] ³

[or to personal independence payment] ⁴

or to—

(a) attendance allowance,

(b) severe disablement allowance,

(c) [carer's allowance] ⁵

,

(d) disability living allowance,

[...] ⁶

[...] ⁷

(h) a social fund payment, [or] ⁶

(i) child benefit,

[...] ⁶

under the [Social Security Contributions and Benefits Act 1992](#) while he is a person to whom this section applies.

(2) No person in Northern Ireland is entitled to [state pension credit under the [State Pension Credit Act \(Northern Ireland\) 2002](#) , [to income-related allowance under [Part 1](#) of the [Welfare Reform Act \(Northern Ireland\) 2007](#) (employment and support allowance)] ⁹

[, to universal credit under [Part 2](#) of the [Welfare Reform \(Northern Ireland\) Order 2015](#)] ¹⁰

[, to personal independence payment under [Part 5](#) of that Order] ¹¹

or to] ⁸

—

(a) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995, or

(b) [disability living allowance or] ¹²

any of the benefits mentioned in paragraphs (a) to (j) of subsection (1),

under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 while he is a person to whom this section applies.

(3) This section applies to a person subject to immigration control unless he falls within such category or description, or satisfies such conditions, as may be prescribed.

(4) Regulations under subsection (3) may provide for a person to be treated for prescribed purposes only as not being a person to whom this section applies.

(5) In relation to [child benefit] ¹³

, "*prescribed*" means prescribed by regulations made by the Treasury.

(6) In relation to the matters mentioned in subsection (2) (except so far as it relates to [child benefit] ¹³

), "*prescribed*" means prescribed by regulations made by the Department.

(7) [Section 175\(3\) to \(5\)](#) of the [Social Security Contributions and Benefits Act 1992](#) (supplemental powers in relation to regulations) applies to regulations made by the Secretary of State of the Treasury under subsection (3) as it applies to regulations made under that Act.

(8) Sections 133(2), 171(2) and 172(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 apply to regulations made by the Department under subsection (3) as they apply to regulations made by the Department under that Act.

(9) “A person subject to immigration control” means a person who is not a national of an EEA State and who—

(a) requires leave to enter or remain in the United Kingdom but does not have it;

(b) has leave to enter or remain in the United Kingdom which is subject to a condition that he does not have recourse to public funds;

(c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking; or

(d) has leave to enter or remain in the United Kingdom only as a result of [paragraph 17 of Schedule 4](#).

(10) “Maintenance undertaking”, in relation to any person, means a written undertaking given by another person in pursuance of the immigration rules to be responsible for that person's maintenance and accommodation.

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Notes

1. Words inserted by Welfare Reform Act 2012 c. 5 [Sch.2 para.54](#) (April 29, 2013)
2. Words inserted by State Pension Credit Act 2002 c. 16 [s.4\(2\)](#) (July 2, 2002 for the purposes of exercising powers to make regulations or orders; October 6, 2003 otherwise)
3. Words inserted by Welfare Reform Act 2007 c. 5 [Sch.3 para.19](#) (October 27, 2008)
4. Words inserted by Welfare Reform Act 2012 c. 5 [Sch.9 para.44\(a\)](#) (April 8, 2013 for the purpose specified in SI 2013/358 art.7(1); June 10, 2013 otherwise)
5. Words substituted by Regulatory Reform (Carer's Allowance) Order 2002/1457 [Sch.1 para.3\(c\)](#) (September 1, 2002)

- [6](#) . Repealed by Welfare Reform Act 2012 c. 5 [Sch.14\(1\) para.1](#) (April 1, 2013: repeal has effect on April 1, 2013 as specified in SI 2013/358 subject to savings and transitional provisions specified in SI 2013/358 arts 9 and 10)
- [7](#) . Repealed by Tax Credits Act 2002 c. 21 [Sch.6 para.1](#) (April 8, 2003 as SI 2003/962)
- [8](#) . Words inserted by State Pension Credit Act (Northern Ireland) 2002 c. 14 [s.4\(2\)](#) (December 2, 2002 for the purpose of making regulations or orders; October 6, 2003 otherwise)
- [9](#) . Words inserted by Welfare Reform Act (Northern Ireland) 2007 c. 2 [Sch.3 para.11](#) (October 27, 2008)
- [10](#) . Words inserted by Welfare Reform (Northern Ireland) Order 2015/2006 [Sch.2 para.43](#) (May 2, 2016 for the purpose specified in SR 2016/215 art.2(2)(c)(v)(hh); not yet in force otherwise)
- [11](#) . Words inserted by Welfare Reform (Northern Ireland) Order 2015/2006 [Sch.9 para.42](#) (June 20, 2016)
- [12](#) . Words inserted by Welfare Reform Act 2012 c. 5 [Sch.9 para.44\(b\)](#) (April 8, 2013 for the purpose specified in SI 2013/358 art.7(1); June 10, 2013 otherwise)
- [13](#) . Words substituted by Tax Credits Act 2002 c. 21 [Sch.4 para.21](#) (February 26, 2003 for the purposes specified in SI 2003/392 art.2; April 1, 2003 for the purposes specified in SI 2003/392 art.2; April 7, 2003 for the purposes specified in SI 2003/392 art.2)
- [14](#) . Amended by Health and Social Care Act 2008 c. 14 [Pt 4 s.138](#) (January 1, 2009 as SI 2008/3137)

Modifications

Pt VI s. 115	Modified by Rate Relief (General) Regulations (Northern Ireland) 2007/204, Pt 2(004) reg. 12
	Modified by Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007/203, Pt 2 reg. 12

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Subject: Immigration

Keywords: Entitlement; Exclusion; Immigrants; Income-related benefits; State pension credit; Universal credit

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **December 6, 1999** to **present**

(version 1 of 1)

116. Amendment of section 21 of the National Assistance Act 1948.

In [section 21](#) of the [National Assistance Act 1948](#) (duty of local authorities to provide accommodation), after [subsection \(1\)](#), insert—

“(1A) A person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies may not be provided with residential accommodation under subsection (1)(a) if his need for care and attention has arisen solely—

(a) because he is destitute; or

(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(1B) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (1A) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.”

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Subject: Immigration

Status: P Partially In Force ! Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version partially in force from: **March 1, 2007**

(version 5 of 5)

117.— Other restrictions on assistance: England and Wales.

(1) In [section 45](#) of the [Health Services and Public Health Act 1968](#) (promotion by local authorities of the welfare of old people), after [subsection \(4\)](#), insert—

“(4A) No arrangements under this section may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

(a) because he is destitute; or

(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(4B) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (4A) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.”

[...] ¹

[...] ²

[...] ³

(5) In the 1996 Act, omit [section 186](#) (asylum-seekers and their dependants).

(6) In [section 187\(1\)](#) of the 1996 Act (provision of information by Secretary of

State), in [paragraph \(a\)](#), for “or has become an asylum-seeker, or a dependant of an asylum-seeker” substitute “a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies”.

Notes

1. Repealed by National Health Service (Consequential Provisions) Act 2006 c. 43 [Sch.4 para.1](#) (March 1, 2007 except for repeals specified in 2006 c.43 s.8; April 22, 2008 for repeals brought into force on the commencement of 2006 c.28 Part 4 Chapter 3 by SI 2008/1147 art.3(a); August 1, 2008 for repeals brought into force on the commencement of 2006 c.28 ss 37-42 by SI 2008/1972 art.2(a); August 1, 2008 for repeals brought into force on the commencement of 2006 c.28 Sch.8 paras 6-23, 24, 25, 29, 32-34, 45, 46 and 50 by SI 2008/1972 art.2(b); not yet in force otherwise)
2. Repealed by Homelessness Act 2002 c. 7 [Sch.2 para.1](#) (January 27, 2003 as SI 2002/1736)
3. Repealed by Homelessness Act 2002 c. 7 [Sch.2 para.1](#) (September 30, 2002 as SI 2002/1736)

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Subject: Immigration

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **June 16, 2006** to **present**

(version 2 of 2)

118.— Housing authority accommodation.

(1) Each housing authority must secure that, so far as practicable, a tenancy of, or licence to occupy, housing accommodation provided under the accommodation provisions is not granted to a person subject to immigration control unless—

(a) he is of a class specified in an order made by the Secretary of State; or

(b) the tenancy of, or license to occupy, such accommodation is granted in accordance with arrangements made under [[section 4, 95 or 98](#)] ¹

(2) "*Housing authority*" means —

(a) in relation to England and Wales, a local housing authority within the meaning of the [Housing Act 1985](#);

(b) in relation to Scotland, a local authority within the meaning of the [Housing \(Scotland\) Act 1987](#); and

(c) in relation to Northern Ireland, the Executive.

(3) "*Accommodation provisions*" means —

(a) in relation to England and Wales, [Part II](#) of the [Housing Act 1985](#);

(b) in relation to Scotland, [Part I](#) of the [Housing \(Scotland\) Act 1987](#);

(c) in relation to Northern Ireland, [Part II](#) of the [Housing \(Northern Ireland\)](#)

Order 1981.

(4) "*Licence to occupy*", in relation to Scotland, means a permission or right to occupy.

(5) "*Tenancy*", in relation to England and Wales, has the same meaning as in the [Housing Act 1985](#).

(6) "*Person subject to immigration control*" means a person who under the 1971 Act requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

(7) This section does not apply in relation to any allocation of housing to which [Part VI](#) of the [Housing Act 1996](#) (allocation of housing accommodation) applies.

Notes

1. Word substituted by Immigration, Asylum and Nationality Act 2006 c. 13 [s.43\(3\)](#) (June 16, 2006)

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Subject: Immigration

Keywords: Housing allocation; Immigrants; Local housing authorities' powers and duties

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **March 2, 2009** to **present**

(version 2 of 2)

119.— Homelessness: Scotland and Northern Ireland.

(1) A person subject to immigration control—

(a) is not eligible for accommodation or assistance under the homelessness provisions, and

(b) is to be disregarded in determining for the purposes of those provisions, whether [a person falling within subsection (1A)] ¹

—

(i) is homeless or is threatened with homelessness, or

(ii) has a priority need for accommodation,

unless he is of a class specified in an order made by the Secretary of State.

[(1A) A person falls within this subsection if the person—

(a) falls within a class specified in an order under subsection (1); but

(b) is not a national of an EEA State or Switzerland.

] ²

(2) An order under subsection (1) may not be made so as to include in a specified class any person to whom [section 115](#) applies.

(3) *"The homelessness provisions"* means —

(a) in relation to Scotland, [Part II](#) of the [Housing \(Scotland\) Act 1987](#); and

(b) in relation to Northern Ireland, Part II of the Housing (Northern Ireland) Order 1988.

(4) *"Person subject to immigration control"* has the same meaning as in [section 118](#).

Notes

1. Words substituted by Housing and Regeneration Act 2008 c. 17 [Sch.15\(2\) para.22\(2\)](#) (March 2, 2009 for purposes specified in SI 2009/415 art.3; not yet in force otherwise)
2. Added by Housing and Regeneration Act 2008 c. 17 [Sch.15\(2\) para.22\(3\)](#) (March 2, 2009 for purposes specified in SI 2009/415 art.3; not yet in force otherwise)

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Subject: Housing **Other related subjects:** Immigration

Keywords: Homelessness; Immigrants; Northern Ireland; Scotland

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **October 5, 2005 to present**

(version 2 of 2)

120.— Other restrictions on assistance: Scotland.

(1) In [section 12](#) of the [Social Work \(Scotland\) Act 1968](#) (general social welfare services of local authorities), after [subsection \(2\)](#) insert—

“(2A) A person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies is not to receive assistance under subsection (1) of this section (whether by way of residential accommodation or otherwise) if his need for assistance has arisen solely—

(a) because he is destitute; or

(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(2B) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (2A) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.”

(2) In [section 13A](#) of that Act (provision of residential accommodation with nursing), after [subsection \(3\)](#) insert—

“(4) No arrangements under subsection (1) above may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

(a) because he is destitute; or

(b) because of the physical effects, or anticipated physical effects, of his being

destitute.

(5) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (4) above as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.”

(3) In [section 13B](#) of that Act (provision of care and after-care), after subsection (2) insert—

“(3) No arrangements under subsection (1) above may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

(a) because he is destitute; or

(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(4) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (3) above as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.”

[...] ¹

(6) In the [Asylum and Immigration Appeals Act 1993](#), omit [sections 4 and 5](#) and [Schedule 1](#) (provisions relating to housing of asylum-seekers).

Notes

¹ . Repealed by Mental Health (Care and Treatment) (Scotland) Act 2003 asp 13 (Scottish Act) [Sch.5\(1\) para.1](#) (October 5, 2005: as SSI 2005/161)

Subject: Immigration

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **March 1, 2000** to **present**

(version 1 of 1)

121.— Other restrictions on assistance: Northern Ireland.

(1) In Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1972 (prevention of illness, care and after-care), after paragraph (2) insert—

“(3) No arrangements made under paragraph (1) may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 applies solely—

(a) because he is destitute; or

(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(3A) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of paragraph (3) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in paragraph 2 of that Schedule to the Secretary of State substitute references to the Department.”

(2) In Article 15 of that Order (general social welfare), after paragraph (5) insert—

“(6) Assistance may not be provided under paragraph (1) in respect of any person to whom section 115 of the Immigration and Asylum Act 1999 applies if his need for assistance has arisen solely—

(a) because he is destitute, or

(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(7) Subsections (3) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of paragraph (6) as they apply for the purposes of that section, but for references to the Secretary of State in subsections (5) and (7) of that section and in paragraph 2 of that Schedule substitute references to the Department.”

(3) In the [Asylum and Immigration Appeals Act 1993](#), omit [sections 4 and 5](#) and [Schedule 1](#) (provisions relating to housing of asylum-seekers).

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Subject: Immigration

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

This version in force from: **March 1, 2000** to **present**

(version 1 of 2)

122.— Support for children.

(1) In this section "*eligible person*" means a person who appears to the Secretary of State to be a person for whom support may be provided under [section 95](#).

(2) Subsections (3) and (4) apply if an application for support under [section 95](#) has been made by an eligible person whose household includes a dependant under the age of 18 ("the child").

(3) If it appears to the Secretary of State that adequate accommodation is not being provided for the child, he must exercise his powers under [section 95](#) by offering, and if his offer is accepted by providing or arranging for the provision of, adequate accommodation for the child as part of the eligible person's household.

(4) If it appears to the Secretary of State that essential living needs of the child are not being met, he must exercise his powers under [section 95](#) by offering, and if his offer is accepted by providing or arranging for the provision of, essential living needs for the child as part of the eligible person's household.

(5) No local authority may provide assistance under any of the child welfare provisions in respect of a dependant under the age of 18, or any member of his family, at any time when—

(a) the Secretary of State is complying with this section in relation to him; or

(b) there are reasonable grounds for believing that—

(i) the person concerned is a person for whom support may be provided under [section 95](#); and

(ii) the Secretary of State would be required to comply with this section if that person had made an application under [section 95](#).

(6) "*Assistance*" means the provision of accommodation or of any essential living needs.

(7) "*The child welfare provisions*" means —

(a) [section 17](#) of the [Children Act 1989](#) (local authority support for children and their families);

(b) [section 22](#) of the [Children \(Scotland\) Act 1995](#) (equivalent provision for Scotland); and

(c) Article 18 of the Children (Northern Ireland) Order 1995 (equivalent provision for Northern Ireland).

(8) Subsection (9) applies if accommodation provided in the discharge of the duty imposed by subsection (3) has been withdrawn.

(9) Only the relevant authority may provide assistance under any of the child welfare provisions in respect of the child concerned.

(10) "*Relevant authority*" means —

(a) in relation to Northern Ireland, the authority within whose area the withdrawn accommodation was provided;

(b) in any other case, the local authority within whose area the withdrawn accommodation was provided.

(11) In such circumstances as may be prescribed, subsection (5) does not apply.

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Dependants; Ministers' powers and duties

Status: **R** Repealed

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Exclusions

Repealed on: **June 14, 2007**

(version 5 of 5)

[...] ¹

Notes

- ¹. Repealed subject to transitional provisions specified in SI 2007/1602 art.2(3) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 c. 19 [Sch.4 para.1](#) (June 14, 2007: repeal has effect on June 14, 2007 as specified in SI 2007/1602 subject to transitional provisions specified in SI 2007/1602 art.2(3))

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Subject: Immigration

Status:  Law In Force  Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Miscellaneous

This version in force from: **November 11, 1999** to **present**

(version 1 of 1)

124.— Secretary of State to be corporation sole for purposes of Part VI.

(1) For the purpose of exercising his functions under this Part, the Secretary of State is a corporation sole.

(2) Any instrument in connection with the acquisition, management or disposal of property, real or personal, heritable or moveable, by the Secretary of State under this Part may be executed on his behalf by a person authorised by him for that purpose.

(3) Any instrument purporting to have been so executed on behalf of the Secretary of State is to be treated, until the contrary is proved, to have been so executed on his behalf.

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Corporations sole; Secretaries of State

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Miscellaneous

This version in force from: **April 3, 2000** to **present**

(version 1 of 1)

125.— Entry of premises.

(1) This section applies in relation to premises in which accommodation has been provided under [section 95](#) or [98](#) for a supported person.

(2) If, on an application made by a person authorised in writing by the Secretary of State, a justice of the peace is satisfied that there is reason to believe that—

(a) the supported person or any dependants of his for whom the accommodation is provided is not resident in it,

(b) the accommodation is being used for any purpose other than the accommodation of the asylum-seeker or any dependant of his, or

(c) any person other than the supported person and his dependants (if any) is residing in the accommodation,

he may grant a warrant to enter the premises to the person making the application.

(3) A warrant granted under subsection (2) may be executed—

(a) at any reasonable time;

(b) using reasonable force.

(4) In the application of subsection (2) to Scotland, read the reference to a justice of the peace as a reference to the sheriff or a justice of the peace.

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Residential accommodation

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Miscellaneous

This version in force from: **April 3, 2000** to **present**

(version 1 of 1)

126.— Information from property owners.

(1) The power conferred by this section is to be exercised with a view to obtaining information about premises in which accommodation is or has been provided for supported persons.

(2) The Secretary of State may require any person appearing to him—

(a) to have any interest in, or

(b) to be involved in any way in the management or control of,

such premises, or any building which includes such premises, to provide him with such information with respect to the premises and the persons occupying them as he may specify.

(3) A person who is required to provide information under this section must do so in accordance with such requirements as may be prescribed.

(4) Information provided to the Secretary of State under this section may be used by him only in the exercise of his functions under this Part.

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Disclosure; Information; Residential accommodation

Status: Law In Force Amendment(s) Pending

Immigration and Asylum Act 1999 c. 33

Part VI SUPPORT FOR ASYLUM-SEEKERS

Miscellaneous

This version in force from: **March 26, 2001** to **present**

(version 2 of 2)

127.— Requirement to supply information about redirection of post.

(1) The Secretary of State may require any person conveying postal packets to supply redirection information to the Secretary of State—

(a) for use in the prevention, detection, investigation or prosecution of criminal offences under this Part;

(b) for use in checking the accuracy of information relating to support provided under this Part; or

(c) for any other purpose relating to the provision of support to asylum-seekers.

(2) The information must be supplied in such manner and form, and in accordance with such requirements, as may be prescribed.

(3) The Secretary of State must make payments of such amount as he considers reasonable in respect of the supply of information under this section.

(4) "*Postal packet*" has the same meaning as in the [[Postal Services Act 2000](#)] ¹

(5) "*Redirection information*" means information relating to arrangements made with any person conveying postal packets for the delivery of postal packets to addresses other than those indicated by senders on the packets.

Notes

1. Words substituted by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 [Sch.1\(1\) para.124](#) (March 26, 2001)

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Subject: Immigration

Keywords: Asylum seekers; Asylum support; Information; Ministers' powers and duties; Postal packets

