



UK Borders Act 2007

2007 CHAPTER 30

Treatment of claimants

17 Support for failed asylum-seekers

- (1) This section applies for the purposes of—
 - (a) Part 6 (and section 4) of the Immigration and Asylum Act 1999 (support and accommodation for asylum-seekers),
 - (b) Part 2 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (accommodation centres), and
 - (c) Schedule 3 to that Act (withholding and withdrawal of support).
- (2) A person (A-S) remains (or again becomes) an asylum-seeker, despite the fact that the claim for asylum made by A-S has been determined, during any period when—
 - (a) A-S can bring an in-country appeal ^{F1}... under section 82 of the 2002 Act or section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68), or
 - (b) an in-country appeal, brought by A-S under either of those sections ^{F2}..., is pending (within the meaning of section 104 of the 2002 Act).
- (3) For the purposes of subsection (2)—
 - (a) “in-country” appeal means an appeal brought while the appellant is in the United Kingdom, and
 - (b) the possibility of an appeal out of time with permission shall be ignored.
- (4) For the purposes of the provisions mentioned in subsection (1)(a) and (b), a person's status as an asylum-seeker by virtue of subsection (2)(b) continues for a prescribed period after the appeal ceases to be pending.
- (5) In subsection (4) “prescribed” means prescribed by regulations made by the Secretary of State; and the regulations—
 - (a) may contain incidental or transitional provision,
 - (b) may make different provision for different classes of case,
 - (c) shall be made by statutory instrument, and

Changes to legislation: UK Borders Act 2007, Section 17 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) This section shall be treated as always having had effect.

Textual Amendments

- F1** Words in s. 17(2)(a) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 58\(a\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- F2** Words in s. 17(2)(b) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 58\(b\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

Changes to legislation:

UK Borders Act 2007, Section 17 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 17(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(j\)\(i\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(4)(4A)(4B) substituted for s. 33(4) by [S.I. 2019/745 reg. 17\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 17(3)(4) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)