



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART I

#### IMMIGRATION: GENERAL

PROSPECTIVE

#### *Provision of financial security*

#### **16 Security on grant of entry clearance.**

- (1) In such circumstances as may be specified, the Secretary of State may require security to be given, with respect to a person applying for entry clearance, before clearance is given.
- (2) In such circumstances as may be specified—
  - (a) the Secretary of State may accept security with respect to a person who is applying for entry clearance but for whom security is not required; and
  - (b) in determining whether to give clearance, account may be taken of any security so provided.
- (3) “Security” means—
  - (a) the deposit of a sum of money by the applicant, his agent or any other person, or
  - (b) the provision by the applicant, his agent or any other person of a financial guarantee of a specified kind,with a view to securing that the applicant will, if given leave to enter the United Kingdom for a limited period, leave the United Kingdom at the end of that period.
- (4) Immigration rules must make provision as to the circumstances in which a security provided under this section—
  - (a) is to be repaid, released or otherwise cancelled; or

*Status:* Point in time view as at 25/05/2018. This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* Immigration and Asylum Act 1999, Cross Heading: Provision of financial security is up to date with all changes known to be in force on or before 25 June 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)

- (b) is to be forfeited or otherwise realised by the Secretary of State.
- (5) No security provided under this section may be forfeited or otherwise realised unless the person providing it has been given an opportunity, in accordance with immigration rules, to make representations to the Secretary of State.
- (6) Immigration rules may, in particular—
  - (a) fix the maximum amount that may be required, or accepted, by way of security provided under this section;
  - (b) specify the form and manner in which such a security is to be given or may be accepted;
  - (c) make provision, where such a security has been forfeited or otherwise realised, for the person providing it to be reimbursed in such circumstances as may be specified;
  - (d) make different provision for different cases or descriptions of case.
- (7) “Specified” means specified by immigration rules.
- (8) Any security forfeited or otherwise realised by the Secretary of State under this section must be paid into the Consolidated Fund.

## **17 Provision of further security on extension of leave.**

- (1) This section applies if security has been provided under section 16(1) or (2) with respect to a person who, having entered the United Kingdom (with leave to do so), applies—
  - (a) to extend his leave to enter the United Kingdom; or
  - (b) for leave to remain in the United Kingdom for a limited period.
- (2) The Secretary of State may refuse the application if security of such kind as the Secretary of State considers appropriate is not provided, or continued, with respect to the applicant.
- (3) Immigration rules must make provision as to the circumstances in which a security provided under this section—
  - (a) is to be repaid, released or otherwise cancelled; or
  - (b) is to be forfeited or otherwise realised by the Secretary of State.
- (4) No security provided under this section may be forfeited or otherwise realised unless the person providing it has been given an opportunity, in accordance with immigration rules, to make representations to the Secretary of State.
- (5) Subsection (7) of section 16 applies in relation to this section as it applies in relation to that section.
- (6) Any security forfeited or otherwise realised by the Secretary of State under this section must be paid into the Consolidated Fund.

**Status:**

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**Changes to legislation:**

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