



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI **U.K.**

#### SUPPORT FOR ASYLUM-SEEKERS

##### *Offences*

#### 105 False representations. **U.K.**

- (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—
- makes a statement or representation which he knows is false in a material particular;
  - 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;
  - 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
  - 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.

#### **Modifications etc. (not altering text)**

- C1** S. 105 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 35\(1\)\(a\)](#), [162\(1\)](#) (with s. 159)

*Status: Point in time view as at 02/04/2001.*

*Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Offences is up to date with all changes known to be in force on or before 07 September 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)*

## 106 Dishonest representations. **U.K.**

- (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”.

### Modifications etc. (not altering text)

- C2 S. 106 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 35\(1\)\(b\)](#), 162(1) (with s. 159)

## 107 Delay or obstruction. **U.K.**

- (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.

### Modifications etc. (not altering text)

- C3 S. 107 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 35\(1\)\(c\)](#), 162(1) (with s. 159)

## 108 Failure of sponsor to maintain. **U.K.**

- (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—

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- (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.

**Modifications etc. (not altering text)**

- C4 S. 108 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 35(1)(d)**, 162(1) (with s. 159)

**109 Supplemental. U.K.**

- (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.

**Modifications etc. (not altering text)**

- C5 S. 109 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 35(1)(e)**, 162(1) (with s. 159)

**Status:**

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**Changes to legislation:**

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