



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Exclusions

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

Changes to legislation: Immigration and Asylum Act 1999, Section 122 is up to date with all changes known to be in force on or before 26 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) View outstanding changes

- (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 ^{M1}Children Act 1989 (local authority support for children and their families);
 - (b) section 22 of the ^{M2}Children (Scotland) Act 1995 (equivalent provision for Scotland); and
 - (c) Article 18 of the ^{M3}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.

Modifications etc. (not altering text)

- C1** S. 122(7) modified (temp.) (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **164(2)**

Commencement Information

- II** S. 122 wholly in force at 3.4.2000; s. 122 not in force at Royal Assent see s. 170(4); s. 122 in force for certain purposes at 1.3.2000 by [S.I. 2000/464](#), art. 2, **Sch.**; s. 122 in force at 3.4.2000 insofar as not already in force by [S.I. 2000/464](#), art. 2, **Sch.**

Marginal Citations

- M1** 1989 c. 41.
M2 1995 c. 36.
M3 S.I. 1995/775 (N.I. 2).

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 122 substituted by 2002 c. 41 s. 47 (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 122(1) words inserted by 2016 c. 19 Sch. 11 para. 21(2)
- s. 122(2) words inserted by 2016 c. 19 Sch. 11 para. 21(3)
- s. 122(3)(4) words inserted by 2016 c. 19 Sch. 11 para. 21(4)
- s. 122(5)(b)(i) words inserted by 2016 c. 19 Sch. 11 para. 21(5)(a)
- s. 122(5)(b)(ii) words inserted by 2016 c. 19 Sch. 11 para. 21(5)(b)

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. 10(12) inserted by 2023 c. 37 s. 10(6)
- s. 40(1)-(1C) substituted for s. 40(1) by 2022 c. 36 s. 76(2)
- s. 40(4A)(4B) inserted by 2022 c. 36 s. 76(5)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(3A)(b)(iv) inserted by 2022 c. 36 s. 13(2)(c)(ii)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 98A(5) inserted by 2022 c. 36 s. 13(4)
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)