



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 3

#### OTHER SUPPORT AND ASSISTANCE

PROSPECTIVE

#### **53 Asylum-seeker: appeal against refusal to support**

The following shall be substituted for section 103 of the Immigration and Asylum Act 1999 (asylum support appeal)—

##### **“103 Appeals: general**

- (1) This section applies where a person has applied for support under—
  - (a) section 95,
  - (b) section 17 of the Nationality, Immigration and Asylum Act 2002, or
  - (c) both.
- (2) The person may appeal to an adjudicator against a decision that the person is not qualified to receive the support for which he has applied.
- (3) The person may also appeal to an adjudicator against a decision to stop providing support under a provision mentioned in subsection (1).
- (4) But subsection (3) does not apply—
  - (a) to a decision to stop providing support under one of the provisions mentioned in subsection (1) if it is to be replaced immediately by support under the other provision, or
  - (b) to a decision taken on the ground that the person is no longer an asylum-seeker or the dependant of an asylum-seeker.

*Status: Point in time view as at 06/04/2015. This version of this provision is prospective.*

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 53 is up to date with all changes known to be in force on or before 15 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)*

- (5) On an appeal under this section an adjudicator may—
  - (a) require the Secretary of State to reconsider a matter;
  - (b) substitute his decision for the decision against which the appeal is brought;
  - (c) dismiss the appeal.
- (6) An adjudicator must give his reasons in writing.
- (7) If an appeal under this section is dismissed the Secretary of State shall not consider any further application by the appellant for support under a provision mentioned in subsection (1)(a) or (b) unless the Secretary of State thinks there has been a material change in circumstances.
- (8) An appeal under this section may not be brought or continued by a person who is outside the United Kingdom.

### **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.

### **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.”

**Status:**

Point in time view as at 06/04/2015. This version of this provision is prospective.

**Changes to legislation:**

Nationality, Immigration and Asylum Act 2002, Section 53 is up to date with all changes known to be in force on or before 15 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.