



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Treatment of claimants

10 Failed asylum seekers: accommodation

(1) At the end of section 4 of the Immigration and Asylum Act 1999 (provision of accommodation for failed asylum seekers, &c.) add—

“(5) The Secretary of State may make regulations specifying criteria to be used in determining—

- (a) whether or not to provide accommodation, or arrange for the provision of accommodation, for a person under this section;
- (b) whether or not to continue to provide accommodation, or arrange for the provision of accommodation, for a person under this section.

(6) The regulations may, in particular—

- (a) provide for the continuation of the provision of accommodation for a person to be conditional upon his performance of or participation in community activities in accordance with arrangements made by the Secretary of State;
- (b) provide for the continuation of the provision of accommodation to be subject to other conditions;
- (c) provide for the provision of accommodation (or the continuation of the provision of accommodation) to be a matter for the Secretary of State’s discretion to a specified extent or in a specified class of case.

(7) For the purposes of subsection (6)(a)—

- (a) “community activities” means activities that appear to the Secretary of State to be beneficial to the public or a section of the public, and
- (b) the Secretary of State may, in particular—
 - (i) appoint one person to supervise or manage the performance of or participation in activities by another person;

Status: Point in time view as at 01/12/2004. This version of this provision has been superseded.

Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Section 10 is up to date with all changes known to be in force on or before 01 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)

- (ii) enter into a contract (with a local authority or any other person) for the provision of services by way of making arrangements for community activities in accordance with this section;
 - (iii) pay, or arrange for the payment of, allowances to a person performing or participating in community activities in accordance with arrangements under this section.
- (8) Regulations by virtue of subsection (6)(a) may, in particular, provide for a condition requiring the performance of or participation in community activities to apply to a person only if the Secretary of State has made arrangements for community activities in an area that includes the place where accommodation is provided for the person.
- (9) A local authority or other person may undertake to manage or participate in arrangements for community activities in accordance with this section.”
- (2) In section 166(5) of that Act (regulations: affirmative instrument) before paragraph (a) insert—
 - “(za) section 4(5),”.
- (3) In section 103 of the Immigration and Asylum Act 1999 (c. 33) (support for asylum-seekers: appeal) as it has effect before the commencement of section 53 of the Nationality, Immigration and Asylum Act 2002 (c. 41)—
 - (a) after subsection (2) insert—
 - “(2A) If the Secretary of State decides not to provide accommodation for a person under section 4, or not to continue to provide accommodation for a person under section 4, the person may appeal to an adjudicator.”, and
 - (b) in subsections (6) and (7) for “section 95” substitute “ section 4 or 95 ”.
- (4) In section 103 of the Immigration and Asylum Act 1999 (support for asylum-seekers: appeal) as it has effect after the commencement of section 53 of the Nationality, Immigration and Asylum Act 2002—
 - (a) for subsection (1) substitute—
 - “(1) This section applies where a person has applied for support under all or any of the following provisions—
 - (a) section 4,
 - (b) section 95, and
 - (c) section 17 of the Nationality, Immigration and Asylum Act 2002.”,
 - (b) in subsection (4)(a) for “the other provision” substitute “ another of those provisions ”, and
 - (c) in subsection (7) for “subsection (1)(a) or (b)” substitute “ subsection (1) ”.
- (5) In section 103A of the Immigration and Asylum Act 1999 (appeal about location of support) in subsection (1) (and in the heading) for “section 95” substitute “ section 4 or 95 ”.
- (6) In an amendment made by this section a reference to providing accommodation includes a reference to arranging for the provision of accommodation.

Status: Point in time view as at 01/12/2004. This version of this provision has been superseded.

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(7) Regulations under section 4(5)(b) of the Immigration and Asylum Act 1999 (c. 33) (as inserted by subsection (1) above) may apply to persons receiving support under section 4 when the regulations come into force.

Commencement Information

II S. 10(1)(2)(6)(7) in force at 1.12.2004 by S.I. 2004/2999, art. 2, Sch.

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