



# Immigration, Asylum and Nationality Act 2006

## 2006 CHAPTER 13

### *Claimants and applicants*

#### **43 Accommodation**

- (1) In section 99(1) of the Immigration and Asylum Act 1999 (c. 33) (provision of support by local authorities)—
  - (a) for “asylum-seekers and their dependants (if any)” substitute “ persons ”, and
  - (b) after “section” insert “ 4, ”.
- (2) In section 99(4) (expenditure) after “section” insert “ 4, ”.
- (3) In section 118(1)(b) (housing authority accommodation) for “95” substitute “ 4, 95 or 98 ”.
- (4) In the following provisions for “under Part VI of the Immigration and Asylum Act 1999” substitute “ under section 4 or Part VI of the Immigration and Asylum Act 1999 ”
  - (a) section 3A(7A) of the Protection from Eviction Act 1977 (c. 43) (excluded tenancies and licences),
  - (b) paragraph 3A(1) of Schedule 2 to the Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I. 15)) (non-secure tenancies),
  - (c) section 23A(5A) of the Rent (Scotland) Act 1984 (c. 58) (excluded tenancies and occupancy rights),
  - (d) paragraph 4A(1) of Schedule 1 to the Housing Act 1985 (c. 68) (non-secure tenancies),
  - (e) paragraph 11B of Schedule 4 to the Housing (Scotland) Act 1988 (c. 43) (non-assured tenancies), and
  - (f) paragraph 12A(1) of Schedule 1 to the Housing Act 1988 (c. 50) (non-assured tenancies).

**Status:** Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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)

- (5) A tenancy is not a Scottish secure tenancy (within the meaning of the Housing (Scotland) Act 2001 (asp 10) if it is granted in order to provide accommodation under section 4 of the Immigration and Asylum Act 1999 (accommodation).
- (6) A tenancy which would be a Scottish secure tenancy but for subsection (4) becomes a Scottish secure tenancy if the landlord notifies the tenant that it is to be regarded as such.
- (7) At the end of section 4 of the Immigration and Asylum Act 1999 (c. 33) (accommodation) add—
- “(10) The Secretary of State may make regulations permitting a person who is provided with accommodation under this section to be supplied also with services or facilities of a specified kind.
- (11) Regulations under subsection (10)—
- (a) may, in particular, permit a person to be supplied with a voucher which may be exchanged for goods or services,
  - (b) may not permit a person to be supplied with money,
  - (c) may restrict the extent or value of services or facilities to be provided, and
  - (d) may confer a discretion.”

#### Commencement Information

**II** S. 43 in force at 16.6.2006 by S.I. 2006/1497, art. 3, Sch.

PROSPECTIVE

#### 44 Failed asylum-seekers: withdrawal of support

- (1) The Secretary of State may by order provide for paragraph 7A of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (c. 41) (failed asylum-seeker with family: withdrawal of support) to cease to have effect.
- (2) An order under subsection (1) shall also provide for the following to cease to have effect—
- (a) section 9(1), (2) and (4) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (which insert paragraph 7A of Schedule 3 and make consequential provision), and
  - (b) in section 9(3)(a) and (b) of that Act, the words “other than paragraph 7A.”
- (3) An order under subsection (1)—
- (a) may include transitional provision,
  - (b) shall be made by statutory instrument, and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Status:** Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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)

## 45 Integration loans

- (1) Section 13 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (integration loan for refugees) shall be amended as follows.
- (2) In subsection (1) for “to refugees.” substitute “—
  - (a) to refugees, and
  - (b) to such other classes of person, or to persons other than refugees in such circumstances, as the regulations may prescribe.”
- (3) In subsection (2)(b) for “granted him indefinite leave to enter or remain” substitute “granted him leave to enter or remain”.
- (4) In subsection (3)(a)(iii) after “as a refugee” insert “ or since some other event) ”.
- (5) In subsection (3)(h) for “refugee” substitute “ person ”.
- (6) The heading to the section becomes “ Integration loans for refugees and others ”.

### Commencement Information

**I2** S. 45 in force at 30.6.2006 by S.I. 2006/1497, art. 4

## 46 Inspection of detention facilities

- (1) For section 5A(5A) of the Prison Act 1952 (c. 52) (removal centres: inspection) substitute—

“(5A) Subsections (2) to (5) shall apply—

  - (a) in relation to removal centres within the meaning of section 147 of the Immigration and Asylum Act 1999 (c. 33),
  - (b) in relation to short-term holding facilities within the meaning of that section, and
  - (c) in relation to escort arrangements within the meaning of that section.

(5B) In their application by virtue of subsection (5A) subsections (2) to (5)—

  - (a) shall apply to centres, facilities and arrangements anywhere in the United Kingdom, and
  - (b) shall have effect—
    - (i) as if a reference to prisons were a reference to removal centres, short-term holding facilities and escort arrangements,
    - (ii) as if a reference to prisoners were a reference to detained persons and persons to whom escort arrangements apply, and
    - (iii) with any other necessary modifications.”
- (2) In section 55 of that Act (extent)—
  - (a) omit subsection (4A), and
  - (b) after subsection (5) insert—

“(6) But (despite subsections (4) and (5)) the following shall extend to England and Wales, Scotland and Northern Ireland—

    - (a) section 5A(5A) and (5B), and

**Status:** Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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)

- (b) section 5A(2) to (5) in so far as they apply by virtue of section 5A(5A).”

**Commencement Information**

**I3** S. 46 in force at 31.8.2006 by S.I. 2006/2226, art. 3, Sch. 1

**<sup>F1</sup>47 Removal: persons with statutorily extended leave**

**Textual Amendments**

**F1** S. 47 repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 paras. 5, 60; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2) (3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

**Commencement Information**

**I4** S. 47 in force at 1.4.2008 by S.I. 2008/310, art. 3(e)

**<sup>F2</sup>48 Removal: cancellation of leave**

**Textual Amendments**

**F2** S. 48 repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 7 table; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2) (3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

**Commencement Information**

**I5** S. 48 in force at 16.6.2006 by S.I. 2006/1497, art. 3, Sch.

**49 Capacity to make nationality application**

After section 44 of the British Nationality Act 1981 (c. 61) (decisions involving discretion) insert—

**“44A Waiver of requirement for full capacity**

Where a provision of this Act requires an applicant to be of full capacity, the Secretary of State may waive the requirement in respect of a specified applicant if he thinks it in the applicant's best interests.”

**Status:** Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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)

### Commencement Information

**I6** S. 49 in force at 31.8.2006 by S.I. 2006/2226, art. 3, Sch. 1

## 50 Procedure

- (1) Rules under section 3 of the Immigration Act 1971 (c. 77)—
  - (a) may require a specified procedure to be followed in making or pursuing an application or claim (whether or not under those rules or any other enactment),
  - (b) may, in particular, require the use of a specified form and the submission of specified information or documents,
  - (c) may make provision about the manner in which a fee is to be paid, and
  - (d) may make provision for the consequences of failure to comply with a requirement under paragraph (a), (b) or (c).
- (2) In respect of any application or claim in connection with immigration (whether or not under the rules referred to in subsection (1) or any other enactment) the Secretary of State—
  - (a) may require the use of a specified form,
  - (b) may require the submission of specified information or documents, and
  - (c) may direct the manner in which a fee is to be paid;and the rules referred to in subsection (1) may provide for the consequences of failure to comply with a requirement under paragraph (a), (b) or (c).
- (3) The following shall cease to have effect—
  - (a) section 31A of the Immigration Act 1971 (procedure for applications), and
  - (b) section 25 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (c. 19) (marriage: application for permission).
- (4) At the end of section 41(1) of the British Nationality Act 1981 (procedure) add—

“(j) as to the consequences of failure to comply with provision made under any of paragraphs (a) to (i).”
- (5) In section 10(2)(c) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (right of abode: certificate of entitlement: procedure) for “made in a specified form;” substitute “accompanied by specified information;”.
- (6) Paragraph 2(3) of Schedule 23 to the Civil Partnership Act 2004 (c. 33) (immigration: procedure) shall cease to have effect.

### Modifications etc. (not altering text)

**C1** S. 50(1)(2) applied (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 15(2)(a), 59(2); S.I. 2008/99, art. 2(f); S.I. 2008/99, art. 2(f)

### Commencement Information

**I7** S. 50(1)(2) in force at 31.1.2007 by S.I. 2007/182, art. 2  
**I8** S. 50(3)(a) in force at 29.2.2008 by S.I. 2008/310, art. 2(2)(a)  
**I9** S. 50(4)(5) in force at 5.11.2007 by S.I. 2007/3138, art. 2(i)

**Status:** Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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)

## 51 Fees

- (1) The Secretary of State may by order require an application or claim in connection with immigration or nationality (whether or not under an enactment) to be accompanied by a specified fee.
- (2) The Secretary of State may by order provide for a fee to be charged by him, by an immigration officer or by another specified person in respect of—
  - (a) the provision on request of a service (whether or not under an enactment) in connection with immigration or nationality,
  - (b) a process (whether or not under an enactment) in connection with immigration or nationality,
  - (c) the provision on request of advice in connection with immigration or nationality, or
  - (d) the provision on request of information in connection with immigration or nationality.
- (3) Where an order under this section provides for a fee to be charged, regulations made by the Secretary of State—
  - (a) shall specify the amount of the fee,
  - (b) may provide for exceptions,
  - (c) may confer a discretion to reduce, waive or refund all or part of a fee,
  - (d) may make provision about the consequences of failure to pay a fee,
  - (e) may make provision about enforcement, and
  - (f) may make provision about the time or period of time at or during which a fee may or must be paid.
- (4) Fees paid by virtue of this section shall—
  - (a) be paid into the Consolidated Fund, or
  - (b) be applied in such other way as the relevant order may specify.

### Modifications etc. (not altering text)

**C2** S. 51 applied (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 15(2)(b), 59(2); S.I. 2008/99, art. 2(f)

### Commencement Information

**I10** S. 51 in force at 31.1.2007 by S.I. 2007/182, art. 2

## 52 Fees: supplemental

- (1) A fee imposed under section 51 may relate to a thing whether or not it is done wholly or partly outside the United Kingdom; but that section is without prejudice to—
  - (a) section 1 of the Consular Fees Act 1980 (c. 23), and
  - (b) any other power to charge a fee.
- (2) Section 51 is without prejudice to the application of section 102 of the Finance (No. 2) Act 1987 (c. 51) (government fees and charges); and an order made under that section in respect of a power repealed by Schedule 2 to this Act shall have effect as if it related to the powers under section 51 above in so far as they relate to the same matters as the repealed power.

**Status:** Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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)

- (3) An order or regulations under section 51—
  - (a) may make provision generally or only in respect of specified cases or circumstances,
  - (b) may make different provision for different cases or circumstances,
  - (c) may include incidental, consequential or transitional provision, and
  - (d) shall be made by statutory instrument.
- (4) An order under section 51—
  - (a) may be made only with the consent of the Treasury, and
  - (b) may be made only if a draft has been laid before and approved by resolution of each House of Parliament.
- (5) Regulations under section 51—
  - (a) may be made only with the consent of the Treasury, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A reference in section 51 to anything in connection with immigration or nationality includes a reference to anything in connection with an enactment (including an enactment of a jurisdiction outside the United Kingdom) that relates wholly or partly to immigration or nationality.
- (7) Schedule 2 (consequential amendments) shall have effect.

#### Commencement Information

**I11** S. 52(1)-(6) in force at 31.1.2007 by S.I. 2007/182, art. 2

**I12** S. 52(7) in force at 7.3.2007 for specified purposes by S.I. 2007/467, art. 2

**I13** S. 52(7) in force at 2.4.2007 in so far as not already in force by S.I. 2007/1109, art. 4

**Status:**

Point in time view as at 20/10/2014. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Immigration, Asylum and Nationality Act 2006, Cross Heading: Claimants and applicants is up to date with all changes known to be in force on or before 22 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.