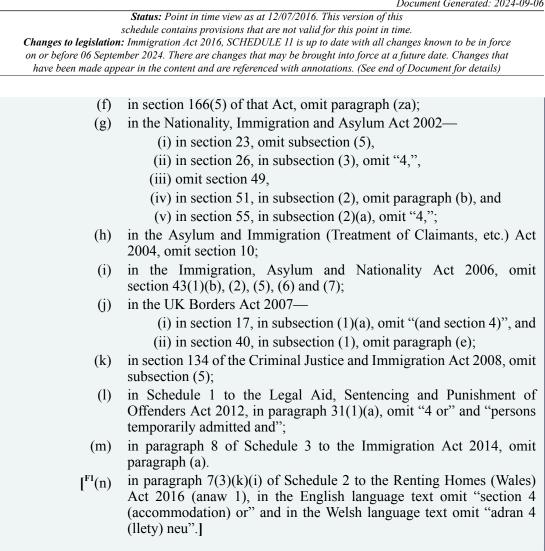
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	VALI	D FROM 15/01/2018
	SCHEDULE 11	Section 66
	SUPPORT FOR CERTAIN CATEGORIES OF MIGRANT	
	PART 1	
	AMENDMENTS OF THE IMMIGRATION ACTS	
Abol	lition of power to support certain categories of migr	•ant
	4 of the Immigration and Asylum Act 19 nodation for failed asylum-seekers, etc) is repealed.	999 (provision of
Commencement Information I1 Sch. 11 para. 1 in force at 15.1.2018 for specified purposes by S.I. 2017/1241, reg. 2(d)(i) (with Sch.) (as amended by S.I. 2018/31, reg. 2)		
		PROSPECTIVE
	sequence of the repeal made by paragraph 1—	PROSPECTIVE
2 In cons (a)	in section 26A of the Immigration Act 1971, omit s	
2 In cons	in section 26A of the Immigration Act 1971, omit s in the following provisions, omit "section 4 or"—	ubsection (1)(b)(ii);
2 In cons (a)	in section 26A of the Immigration Act 1971, omit s in the following provisions, omit "section 4 or"— (i) section 3A(7A) of the Protection from Evi (ii) paragraph 3A(1) of Schedule 2 to the	ubsection (1)(b)(ii); iction Act 1977; Housing (Northern
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2 In cons (a)	 in section 26A of the Immigration Act 1971, omit s in the following provisions, omit "section 4 or"— (i) section 3A(7A) of the Protection from Evid (ii) paragraph 3A(1) of Schedule 2 to the Ireland) Order 1983 (S.I. 1983/1118 (N.I. (iii) section 23A(5A) of the Rent (Scotland) A (iv) paragraph 4A(1) of Schedule 1 to the Hour (v) paragraph 11B of Schedule 4 to the Hour 1988; 	ubsection (1)(b)(ii); iction Act 1977; Housing (Northern 15)); ct 1984; using Act 1985; sing (Scotland) Act
2 In cons (a) (b)	 in section 26A of the Immigration Act 1971, omit s in the following provisions, omit "section 4 or"— (i) section 3A(7A) of the Protection from Evid (ii) paragraph 3A(1) of Schedule 2 to the Ireland) Order 1983 (S.I. 1983/1118 (N.I. (iii) section 23A(5A) of the Rent (Scotland) A (iv) paragraph 4A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 	ubsection (1)(b)(ii); iction Act 1977; Housing (Northern 15)); ct 1984; ising Act 1985; sing (Scotland) Act pusing Act 1988;
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2 In cons (a) (b)	 in section 26A of the Immigration Act 1971, omit s in the following provisions, omit "section 4 or"— (i) section 3A(7A) of the Protection from Evid (ii) paragraph 3A(1) of Schedule 2 to the Ireland) Order 1983 (S.I. 1983/1118 (N.I. (iii) section 23A(5A) of the Rent (Scotland) A (iv) paragraph 4A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 	ubsection (1)(b)(ii); iction Act 1977; Housing (Northern 15)); ct 1984; ising Act 1985; sing (Scotland) Act pusing Act 1988;
2 In cons (a) (b) (c)	 in section 26A of the Immigration Act 1971, omit s in the following provisions, omit "section 4 or"— (i) section 3A(7A) of the Protection from Evid (ii) paragraph 3A(1) of Schedule 2 to the Ireland) Order 1983 (S.I. 1983/1118 (N.I. (iii) section 23A(5A) of the Rent (Scotland) A (iv) paragraph 4A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 1988; (vi) paragraph 12A(1) of Schedule 1 to the Hous 1988; 	ubsection (1)(b)(ii); iction Act 1977; Housing (Northern 15)); ct 1984; using Act 1985; sing (Scotland) Act pusing Act 1988; 1999, in subsections
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Textual Amendments

3

F1 Sch. 11 para. 2(n) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022 (S.I. 2022/803), regs. 1(1), 8 (as amended by S.I. 2022/906, arts. 1(2), 15)

PROSPECTIVE

Power to support people making further submissions in relation to protection claims

- (1) Section 94 of the Immigration and Asylum Act 1999 (interpretation of Part 6) is amended as follows.
 - (2) In subsection (1)—
 - (a) for the definition of "asylum-seeker" substitute—

"asylum-seeker" means a person falling within subsection (2A) or (2B) (but see also subsection (3C));";

- (b) omit the definition of "claim for asylum";
- (c) before the definition of "housing accommodation" insert—

""further qualifying submissions" has the meaning given by subsection (2C);";

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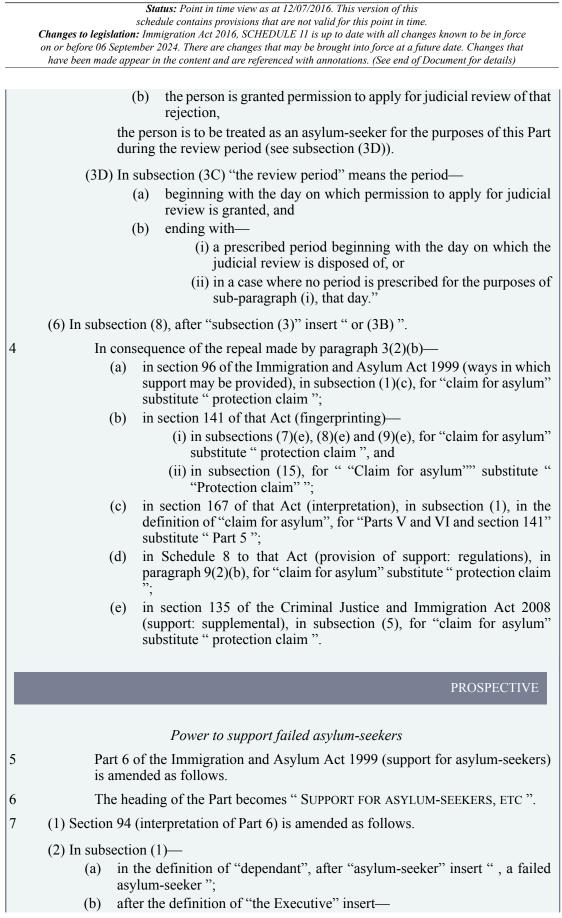
(d) after the definition of "Northern Ireland authority" insert—

""protection claim" has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002;".

(3) After subsection (2) insert—

"(2A) A person is an asylum-seeker for the purposes of this Part if—

- (a) the person is at least 18 years old,
- (b) the person has made a protection claim, and
- (c) the person's claim—
 - (i) has been recorded by the Secretary of State, but
 - (ii) has not been determined.
- (2B) A person is also an asylum-seeker for the purposes of this Part if—
 - (a) the person is at least 18 years old,
 - (b) the person has made further qualifying submissions (see subsection (2C)), and
 - (c) the person's submissions—
 - (i) have been recorded by the Secretary of State, but
 - (ii) have not been determined before the end of such period as may be prescribed.
- (2C) A person makes "further qualifying submissions" if-
 - (a) the person makes submissions to the Secretary of State that the person's removal from the United Kingdom would breach any of the obligations mentioned in section 82(2)(a)(i) or (ii) of the Nationality, Immigration and Asylum Act 2002 (protection claims), and
 - (b) the submissions fall to be considered by the Secretary of State under paragraph 353 of the immigration rules."
- (4) In subsection (3), for "claim for asylum" substitute " protection claim ".
- (5) After subsection (3) insert—
 - "(3A) For the purposes of this Part, further qualifying submissions made by a person are determined—
 - (a) at the end of a prescribed period beginning with the relevant day (see subsection (3B)), or
 - (b) in a case where no period is prescribed for the purposes of paragraph (a), at the end of the relevant day.
 - (3B) In subsection (3A) "the relevant day" means the day on which the Secretary of State notifies the person that the submissions made by the person are to be—
 - (a) accepted,
 - (b) rejected without being treated as a fresh protection claim, or
 - (c) treated as a fresh protection claim.
 - (3C) If—
 - (a) further qualifying submissions made by a person are rejected without being treated as a fresh protection claim, and



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"failed asylum-seeker" has the meaning given by subsection (2D);";

(c) for the definition of "supported person" substitute—

"supported person" means-

- (a) in relation to support under section 95, an asylum-seeker, or a dependant of an asylum-seeker, who has applied for support and for whom support is provided under that section, and
- (b) in relation to support under section 95A, a failed asylumseeker, or a dependant of a failed asylum-seeker, who has applied for support and for whom support is provided under that section."
- (3) In subsection (2), after "section 95" insert " or 95A".
- (4) After subsection (2C) (inserted by paragraph 3(3) above) insert—

"(2D) A person is a failed asylum-seeker for the purposes of this Part if—

- (a) the person is at least 18 years old,
- (b) the person—
 - (i) was an asylum-seeker, or
 - (ii) would have been an asylum-seeker at any time if the person had been at least 18 years old at that time,
- (c) the person's protection claim has been rejected, and
- (d) the person is not an asylum-seeker."
- (5) Omit subsections (5) and (6).

8

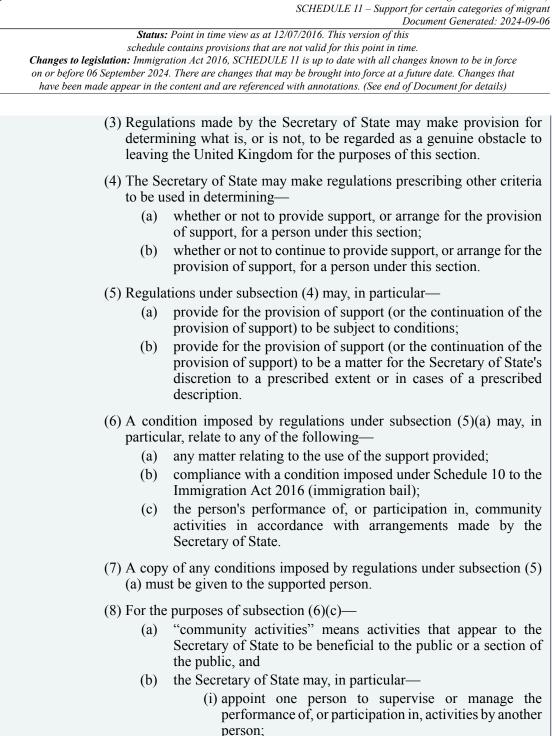
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In section 95 (persons for whom support may be provided), the heading becomes " **Support for asylum-seekers, etc** ".

After section 95 insert—

"95A Support for failed asylum-seekers, etc who are unable to leave UK

- (1) The Secretary of State may provide, or arrange for the provision of, support for a person, for such period or periods as may be prescribed, if—
 - (a) the person is a failed asylum-seeker, or a dependant of a failed asylum-seeker,
 - (b) an application for support under this section is made in respect of the person which meets such requirements as may be prescribed,
 - (c) it appears to the Secretary of State that the person is destitute, or is likely to become destitute within such period as may be prescribed, and
 - (d) the person faces a genuine obstacle to leaving the United Kingdom.
- (2) Subsections (3) to (8) of section 95 (meaning of "destitute") apply for the purposes of this section as they apply for the purposes of that section.



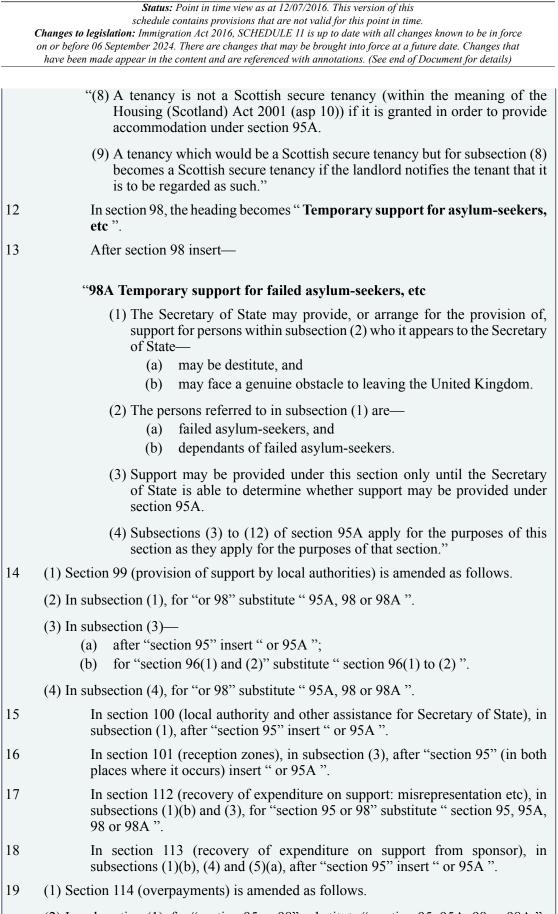
- (ii) enter into a contract (with a local authority or any other person) for the provision of services by way of making arrangements for community activities in accordance with this section:
- (iii) pay, or arrange for the payment of, allowances to a person performing or participating in community activities in accordance with arrangements under this section.
- (9) Regulations by virtue of subsection (6)(c) may, in particular, provide for a condition requiring the performance of, or participation in, community activities to apply to a person only if-

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	 (a) accommodation is to be, or is being, provided for the person under this section, and (b) the Secretary of State has made arrangements for community activities in an area that includes the place where the accommodation is to be, or is being, provided.
	(10) A local authority or other person may undertake to manage or participate in arrangements for community activities in accordance with this section.
	(11) The powers conferred by Schedule 8 (supplementary regulation-making powers) are exercisable with respect to the powers conferred by this section as they are exercisable with respect to the powers conferred by section 95, but with the modification in subsection (12).
	(12) Paragraph 9 of Schedule 8 (notice to quit) has effect with respect to the powers conferred by this section as if sub-paragraph (2)(b) were omitted."
10 (1) Section	on 96 (ways in which support may be provided) is amended as follows.
(2) In sub (a) (b) (c)	in paragraph (c), for "the asylum-seeker" substitute " an asylum-seeker ";
(d)	dependants, ";
(3) After	subsection (1) insert—
"(14	A) Support under section 95A may, in particular, be provided in the form of vouchers which may be exchanged for goods or services (as well as in the form of cash)."
(4) In sut	osection (2), after "section 95" insert " or 95A ".
11 (1) Section	on 97 (supplemental) is amended as follows.
(2) In sub (a) (b) (c)	after "regard to" insert " the following ";
(2) I 1	(4) (5) (7) (6) (7) (6) (7) (6) (7) (6) (7) (6) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7)

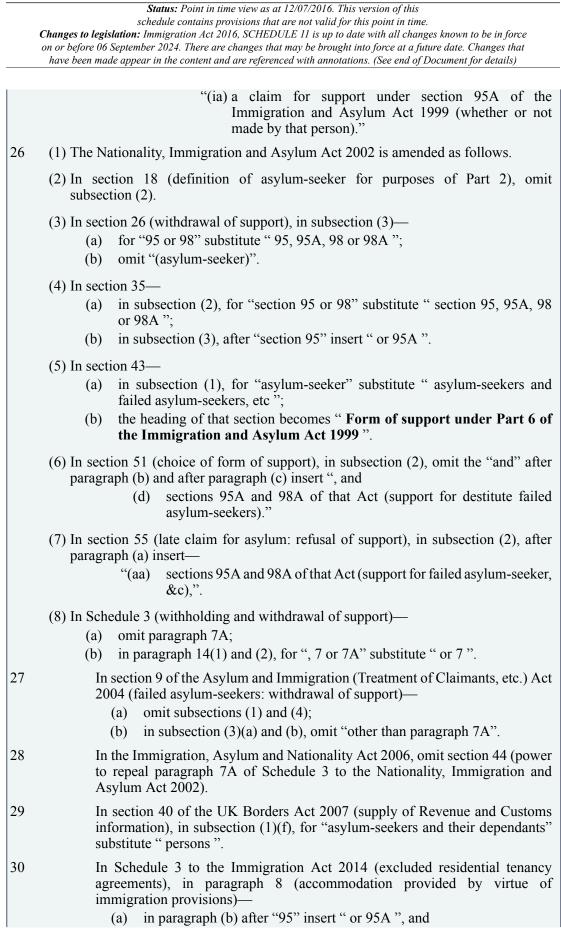
(3) In subsections (4), (5) and (7), after "section 95" insert " or 95A".

(4) After subsection (7) insert—



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	(3) In subsection (4), for "section 95" substitute " section 95, 95A or 98A ".	
20	In section 118 (housing authority accommodation), in subsection (1)(b), for "or 98" substitute "95A, 98 or 98A".	
21	(1) Section 122 (support for children) is amended as follows.	
	(2) In subsection (1), after "section 95" insert " or 95A".	
	(3) In subsection (2), after "section 95" insert " or (as the case may be) 95A ".	
	(4) In subsections (3) and (4), after "section 95" insert " or 95A".	
	 (5) In subsection (5)— (a) in paragraph (b)(i), after "section 95" insert " or 95A ", and (b) in paragraph (b)(ii), after "section 95" insert " or (as the case may be) 95A ". 	
22	(1) Section 125 (entry of premises) is amended as follows.	
	(2) In subsection (1), for "section 95 or 98" substitute " section 95, 95A, 98 or 98A ".	
	(3) In subsection (2)—	
	 (a) in paragraph (b), at the beginning insert " in the case of accommodation provided under section 95 or 98, "; (b) after that paragraph insert— 	
	"(ba) in the case of accommodation provided under section 95A or 98A, the accommodation is being used for any purpose other than the accommodation of the failed asylum-seeker or any dependant of his,".	
23	In section 127 (requirement to supply information about redirection of post), in subsection (1)(c), after "asylum-seekers" insert " or failed asylum-seekers ".	
24	(1) Section 166 (regulations and orders) is amended as follows.	
	 (2) In subsection (5) (regulations subject to the affirmative procedure) for the "or" at the end of paragraph (c) substitute— "(ca) section 95A, or". 	
	(3) After subsection (5) insert—	
	"(5A) No regulations under paragraph 1 of Schedule 8 which make provision with respect to the powers conferred by section 95A are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.	
	(5B) Subsection (5A) does not apply to regulations under paragraph 1 of that Schedule which make provision of the kind mentioned in paragraph 3(a) of that Schedule."	
	(4) In subsection (6) (regulations subject to the negative procedure) for the "or" at the end of paragraph (a) substitute—	
	"(aa) under the provision mentioned in subsection (5A) and containing regulations to which that subsection applies, or".	
25	In section 26A of the Immigration Act 1971 (registration card), in subsection (1)(b), after sub-paragraph (i) insert—	



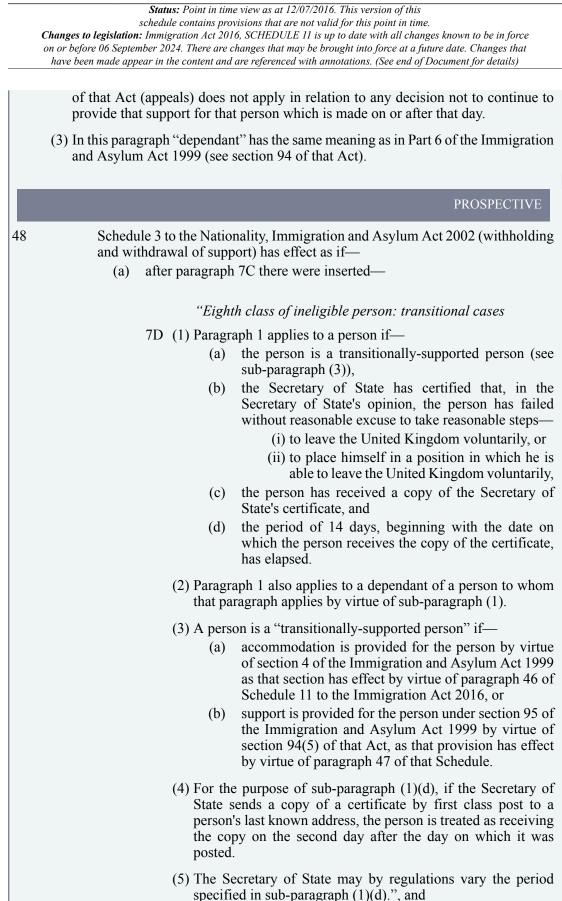
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	(b) in paragraph (c) after "98" insert " or 98A ".
	PROSPECTIVE
	Accommodation centres: definition of "asylum-seeker" etc
31	(1) Section 18 of the Nationality, Immigration and Asylum Act 2002 (definition of asylum-seeker for purposes of Part 2) is amended as follows.
	(2) For subsection (1) substitute—
	 "(1) For the purposes of this Part a person is an "asylum-seeker" if— (a) the person is at least 18 years old, (b) the person has made a protection claim, and (c) the person's claim— (i) has been recorded by the Secretary of State, but (ii) has not been determined.
	(1A) A person is also an "asylum-seeker" for the purposes of this Part if the person is an asylum-seeker for the purposes of Part 6 of the Immigration and Asylum Act 1999 by virtue of section 94(2B) or (3C) of that Act."
	(3) For subsection (3) substitute—
	"(3) Protection claim" has the meaning given by section 82(2)."
32	(1) In consequence of the amendment made by paragraph 31(3), section 26A of the Immigration Act 1971 (registration card) is amended as follows.
	(2) In subsection (1)(b)(i), for "claim for asylum" substitute " protection claim ".
	(3) In subsection (2), for " "claim for asylum" substitute " "protection claim" ".
33	In consequence of the amendments made by paragraph 31, the Nationality, Immigration and Asylum Act 2002 is amended as follows.
34	In section 16 (establishment of accommodation centres), in subsection (3)(b), for "claims for asylum" substitute " protection claims ".
35	In section 21(3), for "claim for asylum" substitute " protection claim ".
36	In section 29 (facilities), in subsection (1)(c), for "claim for asylum" substitute "protection claim".
37	(1) Section 55 (late claim for asylum: refusal of support) is amended as follows.
	(2) In subsections (1)(a), (3)(a) and (6)(a), for "claim for asylum" substitute " protection claim".
	(3) In subsection (9), for " "claim for asylum" substitute " "protection claim" ".
	(4) The heading of the section becomes "Late protection claim: refusal of support".
38	In section 70 (induction), in the definition of "asylum-seeker" in subsection (3), after "section 18(1)(a)" insert " of this Act and section 94(2B)(a) of the Immigration and Asylum Act 1999".
39	(1) Section 71 (asylum-seeker: residence, etc restriction) is amended as follows.

12	Immigration Act 2016 (c. 19) SCHEDULE 11 – Support for certain categories of migrant Document Generated: 2024-09-06
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	(2) In subsection (1)(a), for "claim for asylum" substitute " protection claim ".
	(3) In subsection (5), for " "claim for asylum" substitute " "protection claim" ".
40	In Schedule 3 (withholding and withdrawal of support), in paragraph 17(1), for the definition of "asylum-seeker" substitute—
	"asylum-seeker" has the meaning given by section 18,".
	PROSPECTIVE
	Repeal of uncommenced provisions
41	The following provisions of the Nationality, Immigration and Asylum Act 2002, which contain amendments that have never been brought into force, are repealed—
	 (a) section 44 (which amends sections 94 and 95 of the Immigration and Asylum Act 1999); (b) sections 45 and 46;
	 (c) section 47 (which inserts a new section 122 into that Act); (d) section 53 (which inserts new sections 103, 103A and 103B into that Act).
42	In Schedule 15 to the National Health Service (Wales) Act 2006, in paragraph 2, for sub-paragraph (7) substitute—
	"(7) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of sub-paragraph (6) as they apply for the purposes of that section, but with references in section 95(5) and (7) and that paragraph to the Secretary of State being read as references to a local social services authority."
43	In Schedule 3 to the National Health Service (Consequential Provisions) Act 2006, omit paragraph 9.
44	In section 21 of the Care Act 2014, for subsections (2) and (3) substitute-
	"(2) For the purposes of subsection (1), section 95(3) and (5) to (8) of, and paragraph 2 of Schedule 8 to, the 1999 Act apply but with references in section 95(5) and (7) and that paragraph to the Secretary of State being read as references to the local authority in question."
45	In section 46 of the Social Services and Well-being (Wales) Act 2014, for subsections (2) and (3) substitute—
	"(2) For the purposes of subsection (1), section 95(3) and (5) to (8) of, and paragraph 2 of Schedule 8 to, the 1999 Act apply but with references in section 95(5) and (7) and that paragraph to the Secretary of State being read as references to the local authority in question."

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		PART 2
		TART 2
		TRANSITIONAL AND SAVING PROVISION
46	(1) The rep (a)	beals made by paragraphs 1 and 2 do not apply in relation to— any person for whom accommodation is being provided under section 4 of the Immigration and Asylum Act 1999 immediately before the day on which those paragraphs come into force,
	(b)	any person who has made an application before that day for accommodation to be provided under that section and whose application has not been determined or withdrawn before that day,
	(c)	any person who has appealed before that day against a decision not to provide accommodation for the person under that section, or a decision not to continue to provide accommodation for the person under that section, and whose appeal has not been determined or withdrawn before that day, and
	(d)	any dependant of a person within paragraph (a), (b) or (c).
	This is	subject to sub-paragraph (2).
	decisio of the continu	peals made by paragraph 2(d) (which remove the right to appeal against a n not to continue to provide accommodation for a person under section 4 (mmigration and Asylum Act 1999) apply in relation to any decision not to the to provide accommodation under that section for any person within sub- aph (1) which is made on or after the day on which paragraph 2(d) comes ree.
	the Im	after the day on which paragraphs 1 and 2 come into force, section 4 of migration and Asylum Act 1999 has effect in relation to persons within sub- aph (1) as if in subsection (11)(b) the word "not" were omitted.
		paragraph "dependant" has the same meaning as in Part 6 of the Immigration ylum Act 1999 (see section 94 of that Act).
		PROSPECTIVE
47		beal made by paragraph 7(5) does not apply in relation to— any person for whom support is being provided under section 95 of the Immigration and Asylum Act 1999 by virtue of section 94(5) of that Act immediately before the day on which paragraph 7(5) comes into force,
	(b)	any person who has made an application before that day for support to be provided under section 95 of that Act and whose application has not been determined or withdrawn before that day,
	(c)	any person who has appealed before that day against a decision not to provide support for the person under that section, or a decision not to continue to provide support for the person under that section, and whose appeal has not been determined or withdrawn before that day, and
	(d)	any dependant of a person within paragraph (a), (b) or (c).
	section	by virtue of sub-paragraph (1) a person is provided with support under 95 of the Immigration and Asylum Act 1999 by virtue of section 94(5) of t on or after the day on which paragraph 7(5) comes into force, section 103



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(b) in paragraph 14 (information), references to paragraph 7 included a reference to the paragraph 7D treated as inserted by this Schedule.

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Changes to legislation:

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