

2002 No. 471

IMMIGRATION

**The Asylum Support (Interim Provisions) (Amendment)
Regulations 2002**

<i>Made - - - - -</i>	<i>2nd March 2002</i>
<i>Laid before Parliament</i>	<i>6th March 2002</i>
<i>Coming into force</i>	
<i>Regulations 1 to 3</i>	<i>1st April 2002</i>
<i>Regulations 4 and 5</i>	<i>8th April 2002</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 94(3) and 166(3) of, and paragraphs 5, 6 and 15 of Schedule 9 to, the Immigration and Asylum Act 1999(a), and having regard to the definition of “prescribed” in section 167(1) of that Act, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Asylum Support (Interim Provisions) (Amendment) Regulations 2002.

(2) These Regulations (except regulations 4 and 5) shall come into force on 1st April 2002 and regulations 4 and 5 shall come into force on 8th April 2002.

Interpretation

2. In these Regulations “the 1999 Regulations” means the Asylum Support (Interim Provisions) Regulations 1999(b).

Extension of the interim period

3. In regulation 2(5) of the 1999 Regulations, for the words “1st April 2002” there is substituted “5th April 2004”.

Prescribed period under section 94(3) of the Immigration and Asylum Act 1999

4. For regulation 2(6) of the 1999 Regulations there is substituted:

“(6) The period prescribed under section 94(3) of the Immigration and Asylum Act 1999 (day on which a claim for asylum is determined) for the purposes of Part VI of that Act is 28 days where paragraph (7) below applies, and 21 days in any other case.

(7) This paragraph applies where:

- (a) the Secretary of State notifies the claimant that his decision is to accept the asylum claim;

(a) 1999 c. 33.
(b) S.I. 1999/3056.

- (b) the Secretary of State notifies the claimant that his decision is to reject the asylum claim but at the same time notifies him that he is giving him limited leave to enter or remain in the United Kingdom; or
- (c) an appeal by the claimant against the Secretary of State's decision has been disposed of by being allowed."

Provision of support by way of payments made

- 5. Regulation 5(5) of the 1999 Regulations is hereby revoked.

Home Office
2nd March 2002

Jeff Rooker
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Asylum Support (Interim Provisions) Regulations 1999 ("the 1999 Regulations").

Regulation 3 amends regulation 2(5) of the 1999 Regulations by extending "the interim period" during which local authorities are required to provide support to asylum seekers or their dependants who appear to be destitute or to be likely to become destitute. The day prescribed for the ending of the interim period is now 5th April 2004.

Regulation 4 amends regulation 2(6) of the 1999 Regulations by changing the period after which a claim for asylum is regarded as determined. Where the Secretary of State notifies the claimant that he accepts the asylum claim, or notifies the claimant that the asylum claim is rejected but at the same time gives him limited leave to enter or remain in the United Kingdom, or where an appeal by the claimant against the Secretary of State's decision has been disposed of by being allowed, the period is increased from 14 days to 28 days. In any other case, the period is increased from 14 days to 21 days.

Regulation 5 revokes regulation 5(5) of the 1999 Regulations. Regulation 5(5) provided that, except in the circumstances specified in that paragraph, support by way of payments made (by whatever means) was not to exceed £10 per person in any one week.

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