



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Interpretation

94 Interpretation of Part VI.

(1) In this Part—
F1 ...

“asylum-seeker” means a person who is not under 18 and has made a claim for asylum which has been recorded by the Secretary of State but which has not been determined;

“claim for asylum” means a claim that it would be contrary to the United Kingdom’s obligations under the Refugee Convention, or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom;

“the Department” means the Department of Health and Social Services for Northern Ireland;

“dependant”, in relation to an asylum-seeker or a supported person, means a person in the United Kingdom who—

- (a) is his spouse;
- (b) is a child of his, or of his spouse, who is under 18 and dependent on him; or
- (c) falls within such additional category, if any, as may be prescribed;

“the Executive” means the Northern Ireland Housing Executive;

“housing accommodation” includes flats, lodging houses and hostels;

“local authority” means—

- (a) in England and Wales, a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

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- (b) in Scotland, a council constituted under section 2 of the ^{M1}Local Government etc. (Scotland) Act 1994;
 [^{F2}“Northern Ireland authority” has the meaning given by section 110(9).]
 “supported person” means—
- (a) an asylum-seeker, or
 (b) a dependant of an asylum-seeker,
- who has applied for support and for whom support is provided under section 95.
- (2) References in this Part to support provided under section 95 include references to support which is provided under arrangements made by the Secretary of State under that section.
- (3) For the purposes of this Part, a claim for asylum is determined at the end of such period beginning—
- (a) on the day on which the Secretary of State notifies the claimant of his decision on the claim, or
 (b) if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of,
- as may be prescribed.
- (4) An appeal is disposed of when it is no longer pending for the purposes of the Immigration Acts or the ^{M2}Special Immigration Appeals Commission Act 1997.
- [^{F3}(4A) For the purposes of the definitions of “asylum-seeker” and “failed asylum-seeker”, the circumstances in which a claim is determined or rejected include where the claim is declared inadmissible under section 80A or 80B of the Nationality, Immigration and Asylum Act 2002.
- (4B) But if a claim is—
- (a) declared inadmissible under section 80B of that Act, and
 (b) nevertheless considered by the Secretary of State in accordance subsection (7) of that section,
- the claim ceases to be treated as determined or rejected from the time of the decision to consider the claim.
- (4C) For the purposes of subsection (3), notification of a declaration of inadmissibility under section 80A or 80B of that Act is to be treated as notification of the Secretary of State’s decision on the claim.]
- (5) If an asylum-seeker’s household includes a child who is under 18 and a dependant of his, he is to be treated (for the purposes of this Part) as continuing to be an asylum-seeker while—
- (a) the child is under 18; and
 (b) he and the child remain in the United Kingdom.
- (6) Subsection (5) does not apply if, on or after the determination of his claim for asylum, the asylum-seeker is granted leave to enter or remain in the United Kingdom (whether or not as a result of that claim).
- [^{F4}(7) For further provision as to the conduct of age assessments, which applies for the purposes of this Part, see Part 4 of the Nationality and Borders Act 2022.]

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- (8) A notice under subsection (3) must be given in writing.
- (9) If such a notice is sent by the Secretary of State by first class post, addressed—
- (a) to the asylum-seeker’s representative, or
 - (b) to the asylum-seeker’s last known address,
- it is to be taken to have been received by the asylum-seeker on the second day after the day on which it was posted.

Textual Amendments

- F1** Definition in s. 94(1) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 180](#)
- F2** Definition in s. 94(1) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 60\(2\)](#), 162(1) (with s. 159); [S.I. 2003/1](#), art. 2, Sch.
- F3** S. 94(4A)-(4C) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 17\(3\)](#), 87(1); [S.I. 2022/590](#), regs. 1(2), 2, Sch. 1 para. 16
- F4** S. 94(7) substituted (31.3.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 49\(5\)](#), 87(1); [S.I. 2023/283](#), reg. 2(a)

Marginal Citations

- M1** 1994 c. 39.
- M2** 1997 c. 68.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)