



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Interpretation

94 Interpretation of Part VI

(1) In this Part—

“adjudicator” has the meaning given in section 102(2);

“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;

Status: This is the original version (as it was originally enacted).

- (b) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
“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 Special Immigration Appeals Commission Act 1997.
- (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).
- (7) For the purposes of this Part, the Secretary of State may inquire into, and decide, the age of any person.
- (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.