



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Offences

105 False representations.

- (1) A person is guilty of an offence if, with a view to obtaining support for himself or any other person under any provision made by or under this Part, he—
- (a) makes a statement or representation which he knows is false in a material particular;
 - (b) produces or gives to a person exercising functions under this Part, or knowingly causes or allows to be produced or given to such a person, any document or information which he knows is false in a material particular;
 - (c) fails, without reasonable excuse, to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or
 - (d) without reasonable excuse, knowingly causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.

Modifications etc. (not altering text)

- C1** S. 105 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 35\(1\)\(a\)](#), [162\(1\)](#) (with [s. 159](#))

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes

106 Dishonest representations.

- (1) A person is guilty of an offence if, with a view to obtaining any benefit or other payment or advantage under this Part for himself or any other person, he dishonestly—
 - (a) makes a statement or representation which is false in a material particular;
 - (b) produces or gives to a person exercising functions under this Part, or causes or allows to be produced or given to such a person, any document or information which is false in a material particular;
 - (c) fails to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or
 - (d) causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.
- (2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.
- (3) In the application of this section to Scotland, in subsection (1) for “dishonestly” substitute “knowingly”.

Modifications etc. (not altering text)

- C2** S. 106 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 35(1)(b)**, 162(1) (with s. 159)

107 Delay or obstruction.

- (1) A person is guilty of an offence if, without reasonable excuse, he—
 - (a) intentionally delays or obstructs a person exercising functions conferred by or under this Part; or
 - (b) refuses or neglects to answer a question, give any information or produce a document when required to do so in accordance with any provision made by or under this Part.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

- C3** S. 107 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 35(1)(c)**, 162(1) (with s. 159)

108 Failure of sponsor to maintain.

- (1) A person is guilty of an offence if, during any period in respect of which he has given a written undertaking in pursuance of the immigration rules to be responsible for the maintenance and accommodation of another person—

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- (a) he persistently refuses or neglects, without reasonable excuse, to maintain that person in accordance with the undertaking; and
 - (b) in consequence of his refusal or neglect, support under any provision made by or under this Part is provided for or in respect of that person.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale, or to both.
- (3) For the purposes of this section, a person is not to be taken to have refused or neglected to maintain another person by reason only of anything done or omitted in furtherance of a trade dispute.

Modifications etc. (not altering text)

- C4 S. 108 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 35(1)(d)**, 162(1) (with s. 159)

109 Supplemental.

- (1) If an offence under section 105, 106, 107 or 108 committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to neglect on his part,
- the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) “Officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (4) If an offence under section 105, 106, 107 or 108 committed by a partnership in Scotland is proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to neglect on his part,
- the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) “Partner” includes a person purporting to act as a partner.

Modifications etc. (not altering text)

- C5 S. 109 applied (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 35(1)(e)**, 162(1) (with s. 159)

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[^{F1}109A Arrest

An immigration officer may arrest without warrant a person whom the immigration officer reasonably suspects has committed an offence under section 105 or 106.

Textual Amendments

F1 Ss. 109A, 109B inserted (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 18, 59(2); S.I. 2008/99, art. 2(h)

109B >Entry, search and seizure

- (1) An offence under section 105 or 106 shall be treated as—
 - (a) a relevant offence for the purposes of sections 28B and 28D of the Immigration Act 1971, and
 - (b) an offence under Part 3 of that Act (criminal proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest, &c.) of that Act.
- (2) The following provisions of the Immigration Act 1971 (c. 77) shall have effect in connection with an offence under section 105 or 106 of this Act as they have effect in connection with an offence under that Act—
 - (a) section 28I (seized material: access and copying),
 - (b) section 28J (search warrants: safeguards),
 - (c) section 28K (execution of warrants), and
 - (d) section 28L(1) (interpretation).]

Textual Amendments

F1 Ss. 109A, 109B inserted (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 18, 59(2); S.I. 2008/99, art. 2(h)

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\(2\)\(b\)](#)