



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Provision of support

95 Persons for whom support may be provided.

- (1) The Secretary of State may provide, or arrange for the provision of, support for—
 - (a) asylum-seekers, or
 - (b) dependants of asylum-seekers,who appear to the Secretary of State to be destitute or to be likely to become destitute within such period as may be prescribed.
- (2) In prescribed circumstances, a person who would otherwise fall within subsection (1) is excluded.
- (3) For the purposes of this section, a person is destitute if—
 - (a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
 - (b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.
- (4) If a person has dependants, subsection (3) is to be read as if the references to him were references to him and his dependants taken together.
- (5) In determining, for the purposes of this section, whether a person's accommodation is adequate, the Secretary of State—
 - (a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but
 - (b) may not have regard to such matters as may be prescribed for the purposes of this paragraph or to any of the matters mentioned in subsection (6).

Changes to legislation: Immigration and Asylum Act 1999, Section 95 is up to date with all changes known to be in force on or before 09 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

- (6) Those matters are—
- (a) the fact that the person concerned has no enforceable right to occupy the accommodation;
 - (b) the fact that he shares the accommodation, or any part of the accommodation, with one or more other persons;
 - (c) the fact that the accommodation is temporary;
 - (d) the location of the accommodation.
- (7) In determining, for the purposes of this section, whether a person’s other essential living needs are met, the Secretary of State—
- (a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but
 - (b) may not have regard to such matters as may be prescribed for the purposes of this paragraph.
- (8) The Secretary of State may by regulations provide that items or expenses of such a description as may be prescribed are, or are not, to be treated as being an essential living need of a person for the purposes of this Part.
- (9) Support may be provided subject to conditions.
- [^{F1}(9A) A condition imposed under subsection (9) may, in particular, relate to—
- (a) any matter relating to the use of the support provided, or
 - (b) compliance with a [^{F2}condition imposed under Schedule 10 to the Immigration Act 2016 (immigration bail).]]
- (10) The conditions must be set out in writing.
- (11) A copy of the conditions must be given to the supported person.
- (12) Schedule 8 gives the Secretary of State power to make regulations supplementing this section.
- (13) Schedule 9 makes temporary provision for support in the period before the coming into force of this section.

Textual Amendments

- F1** S. 95(9A) inserted (7.11.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 50\(1\)](#) (with s. 159)
- F2** Words in s. 95(9A)(b) substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 10 para. 29; S.I. 2017/1241, reg. 2\(c\)](#) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

Modifications etc. (not altering text)

- C1** S. 95 restricted (8.1.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 55](#) (with s. 159); S.I. 2002/2811, [art. 2, Sch.](#)
- S. 95 restricted (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 51, 162\(1\)](#) (with s. 159)
- C2** S. 95 modified (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 22, 162\(1\)](#) (with s. 159)
- C3** S. 95(2)-(7) applied (with modifications) (S.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\), arts. 1\(1\), 14\(2\)](#) (as substituted by 2002 c. 41, s. 46(4)), Sch. 1 para. 6

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- C4** S. 95(2)-(7) applied (with modifications) (E.W.) (1.3.2007) by National Health Service (Wales) Act 2006 (c. 42), s. 208(1), **Sch. 15 para. 2(7)** (with s. 19(3))
- C5** S. 95(2)-(7) applied (with modifications) (E.W.) (1.3.2007) by National Health Service Act 2006 (c. 41), **Sch. 20 para. 2(7)**
- C6** S. 95(2)-(7) applied (with modifications) (E.W.) (1.4.2015) by Care Act 2014 (c. 23), **ss. 21(2)(3)**, 127(1); S.I. 2015/993, art. 2(d) (with transitional provisions in S.I. 2015/995)
- C7** S. 95(2)-(7) applied (with modifications) (E.W.) (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **s. 46(2)(3)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 1Sch. 2)
- C8** S. 95(3)(5)-(8) applied (with modifications) (6.12.1999) by 1948 c. 29, **s. 21(1B)** (as inserted by 1999 c. 33, ss. 116, 169(2), **Sch. 15 para. 5**; S.I. 1999/3190, art. 2, **Sch.**)
S. 95(3)(5)-(8) applied (with modifications) (6.12.1999) by 1968 c. 46, **s. 45(4B)** (as inserted by 1999 c. 33, ss. 117(1), 169(2), **Sch. 15 para. 6**; S.I. 1999/3190, art. 2, **Sch.**)
S. 95(3)(5)-(8) applied (with modifications) (6.12.1999) by 1977 c. 49, **Sch. 8 para 2 (2B)** (as inserted by 1999 c. 33, ss. 117(2), 169(2), **Sch. 15 para. 9**; S.I. 1999/3190, art. 2, **Sch.**)
S. 95(3)(5)-(8) applied (with modifications) (1.3.2000 for specified purposes and otherwise 3.4.2000) by 1968 c. 49, **ss. 12(2B)**, 13A(5), 13B(4) (as inserted by 1999 c. 33, ss. 120(1)-(3), 169(2), 170(4), **Sch. 15 para. 7**)
S. 95(3)(5)-(8) applied (with modifications) (1.3.2000 for specified purposes and otherwise 3.4.2000) by 1984 c. 36, **ss. 7(4)**, 8(5) (as inserted by 1999 c. 33, ss. 120(4)(5), 169(2), 170(4), **Sch. 15 para. 10**)

Commencement Information

- II** S. 95 wholly in force at 3.4.2000; s. 95(13) in force at Royal Assent see s. 170(3)(g); s. 95(3)-(8) in force for certain purposes at 6.12.1999 and s. 95 in force for certain purposes at 1.1.2000 insofar as not already in force by S.I. 1999/3190, art. 2, **Sch.**; s. 95 in force at 3.4.2000 insofar as not already in force by S.I. 2000/464, art. 2, **Sch.**

Changes to legislation:

Immigration and Asylum Act 1999, Section 95 is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 95 modified by [2002 c. 41 s. 22](#)
- s. 95 restricted by [2002 c. 41 s. 51\(2\)\(c\)](#)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33 Sch. 8 para. 2(2B) (as substituted) by [2002 c. 41 s. 45\(7\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 12(2B) (as substituted) by [2002 c. 41 s. 46\(1\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 13A(5) (as substituted) by [2002 c. 41 s. 46\(2\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 13B(4) (as substituted) by [2002 c. 41 s. 46\(3\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 21(1B) (as substituted) by [2002 c. 41 s. 45\(5\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 45(4B) (as substituted) by [2002 c. 41 s. 45\(6\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 7(4) (as substituted) by [2002 c. 41 s. 46\(4\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) applied (with modifications) by 1999 c. 33, s. 8(5) (as substituted) by [2002 c. 41 s. 46\(5\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(2)-(7) substituted for s. 95(2)-(8) by [2002 c. 41 s. 44\(6\)](#) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 95(3) applied (with modifications) by 2006 c. 42, Sch. 15 para. 2(7) (as substituted) by [2016 c. 19 Sch. 11 para. 42](#)
- s. 95(3) applied (with modifications) by 2014 anaw 4, s. 46(2) (as substituted) by [2016 c. 19 Sch. 11 para. 45](#)
- s. 95(3) applied (with modifications) by 2014 c. 23, s. 21(2) (as substituted) by [2016 c. 19 Sch. 11 para. 44](#)
- s. 95(3)-(8) applied by 2002 c. 41, Sch. 3 para. 10A(12) (as inserted) by [2016 c. 19 Sch. 12 para. 10](#)
- s. 95(3)-(8) applied by 2002 c. 41, Sch. 3 para. 10B(9) (as inserted) by [2016 c. 19 Sch. 12 para. 10](#)
- s. 95(5)-(8) applied (with modifications) by 2006 c. 42, Sch. 15 para. 2(7) (as substituted) by [2016 c. 19 Sch. 11 para. 42](#)
- s. 95(5)-(8) applied (with modifications) by 2014 anaw 4, s. 46(2) (as substituted) by [2016 c. 19 Sch. 11 para. 45](#)
- s. 95(5)-(8) applied (with modifications) by 2014 c. 23, s. 21(2) (as substituted) by [2016 c. 19 Sch. 11 para. 44](#)

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)