



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Provision of support

97 Supplemental.

- (1) When exercising his power under section 95 to provide accommodation, the Secretary of State must have regard to—
 - (a) the fact that the accommodation is to be temporary pending determination of the asylum-seeker's claim;
 - (b) the desirability, in general, of providing accommodation in areas in which there is a ready supply of accommodation; and
 - (c) such other matters (if any) as may be prescribed.
- (2) But he may not have regard to—
 - (a) any preference that the supported person or his dependants (if any) may have as to the locality in which the accommodation is to be provided; or
 - (b) such other matters (if any) as may be prescribed.
- (3) The Secretary of State may by order repeal all or any of the following—
 - (a) subsection (1)(a);
 - (b) subsection (1)(b);
 - (c) subsection (2)(a).

[^{F1}(3A) When exercising the power under section 95 (support for asylum seekers) or section 4 (accommodation for failed asylum seekers) to provide or arrange for the provision of accommodation, the Secretary of State may decide to provide or arrange for the provision of different types of accommodation to persons supported under those sections on the basis of either or both of the following matters—

Changes to legislation: Immigration and Asylum Act 1999, Section 97 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

- (a) the stage that their claim for asylum has reached, including whether they have been notified that their claim is being considered for a declaration of inadmissibility (see sections 80A and 80B of the Nationality, Immigration and Asylum Act 2002);
 - (b) their previous compliance with any conditions imposed on them under any of the following—
 - (i) section 95(9) (conditions for support under section 95);
 - (ii) Schedule 10 to the Immigration Act 2016 (conditions of immigration bail);
 - (iii) regulations made under section 4(6) (conditions for support under section 4).]
- (4) When exercising his power under section 95 to provide essential living needs, 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 other matters as may be prescribed for the purposes of this paragraph.
- (5) In addition, when exercising his power under section 95 to provide essential living needs, the Secretary of State may limit the overall amount of the expenditure which he incurs in connection with a particular supported person—
- [^{F2}(za) to such portion of the maximum amount of an award of universal credit under section 8(1) of the Welfare Reform Act 2012, or]
- (a) to such portion of the income support applicable amount provided under section 124 of the ^{M1}Social Security Contributions and Benefits Act 1992, or
 - (b) to such portion of any components [^{F3}or elements] of that amount,
- as he considers appropriate having regard to the temporary nature of the support that he is providing.
- (6) For the purposes of subsection (5), any support of a kind falling within section 96(1) (c) is to be treated as if it were the provision of essential living needs.
- (7) In determining how to provide, or arrange for the provision of, support under section 95, the Secretary of State may disregard any preference which the supported person or his dependants (if any) may have as to the way in which the support is to be given.

Textual Amendments

- F1** S. 97(3A) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 13(1)**, 87(1); [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 11](#)
- F2** S. 97(5)(za) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 53(a)**; [S.I. 2013/983](#), art. 3(1)(b)(i)
- F3** Words in s. 97(5)(b) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 53(b)**; [S.I. 2013/983](#), art. 3(1)(b)(i)

Commencement Information

- I1** S. 97 wholly in force at 3.4.2000; s. 97 not in force at Royal Assent see s. 170(4); s. 97 in force for certain purposes at 1.1.2000 by [S.I. 1999/3190](#), **art. 2**, **Sch.**; s. 97 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 97 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](#)

Marginal Citations

M1 1992 c. 4.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 97(1) words inserted by 2016 c. 19 Sch. 11 para. 11(2)(a)
- s. 97(1) words inserted by 2016 c. 19 Sch. 11 para. 11(2)(b)
- s. 97(1)(a) words inserted by 2016 c. 19 Sch. 11 para. 11(2)(c)
- s. 97(3A) words substituted by 2022 c. 36 s. 13(2)(a)(i)
- s. 97(3A) words substituted by 2022 c. 36 s. 13(2)(a)(ii)
- s. 97(3A)(a) words substituted by 2022 c. 36 s. 13(2)(b)
- s. 97(3A)(b)(iii) substituted by 2022 c. 36 s. 13(2)(c)(i)
- s. 97(4)(5) words inserted by 2016 c. 19 Sch. 11 para. 11(3)
- s. 97(4) words substituted by 2002 c. 41 s. 45(2)(a) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 97(5) words substituted by 2002 c. 41 s. 45(2)(b) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 97(5)(a) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 97(5)(a) substituted by 2009 c. 24 Sch. 2 para. 8
- s. 97(6) words substituted by 2002 c. 41 s. 45(2)(c) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 97(7) words inserted by 2016 c. 19 Sch. 11 para. 11(3)

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