

Status: This version of this contains provisions that are prospective.

Changes to legislation: Immigration Act 2016, Paragraph 5 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

PROSPECTIVE

SCHEDULE 12

AVAILABILITY OF LOCAL AUTHORITY SUPPORT

- 5 After paragraph 2 insert—
- “2A (1) Paragraph 1(1)(g) or (ga) does not prevent the provision of support or assistance under a relevant provision to a person to whom paragraph 1 would otherwise apply by virtue of paragraph 7B if—
- (a) conditions A and B are satisfied in relation to that person, and
 - (b) condition C, D or E is satisfied in relation to that person.
- (2) In sub-paragraph (1) “relevant provision” means—
- (a) section 23C, 23CZA or 23CA of the Children Act 1989,
 - (b) regulations under section 23D of that Act, or
 - (c) section 24A or 24B of that Act.
- (3) Condition A is that—
- (a) the person has made an application for leave to enter or remain in the United Kingdom, and
 - (b) where regulations made by the Secretary of State require that the application must be of a kind specified in the regulations for this condition to be satisfied, the application is of that kind.
- (4) Condition B is that—
- (a) the application is the first application for leave to enter or remain in the United Kingdom that the person has made, or
 - (b) where regulations under sub-paragraph (3)(b) require that the application must be of a kind specified in the regulations for condition A to be satisfied, the application is the first application of that kind that the person has made.
- (5) Condition C is that the application has not been determined or withdrawn.
- (6) Condition D is that—
- (a) the application has been refused,
 - (b) the person could bring an appeal under section 82(1) against the refusal (ignoring any possibility of an appeal out of time with permission), and
 - (c) if the person brought such an appeal, it would not be one that, by virtue of section 92(6), would have to be continued from outside the United Kingdom.
- (7) Condition E is that—

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- (a) the application has been refused,
 - (b) the person has appealed under section 82(1) against the refusal,
 - (c) the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom, and
 - (d) the appeal is pending within the meaning of section 104.
- (8) For the purposes of sub-paragraph (3) the Secretary of State may by regulations provide for circumstances in which—
- (a) a person is to be treated as having made an application for leave to enter or remain in the United Kingdom (despite not having made one), or
 - (b) a person is to be treated as not having made such an application where the Secretary of State is satisfied that the application made is vexatious or wholly without merit.”

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

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. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)