



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Inadmissibility

17 Clarification of basis for support where asylum claim inadmissible

- (1) The Immigration and Asylum Act 1999 is amended in accordance with subsections (2) and (3).
- (2) If paragraph 1 of Schedule 11 to the Immigration Act 2016, which repeals section 4 of the 1999 Act, is not yet in force on the day this section comes into force, in subsection (2)(b) of that section, after “was rejected” insert “or declared inadmissible (see sections 80A and 80B of the Nationality, Immigration and Asylum Act 2002)”.
- (3) In section 94 (interpretation of Part 6: support for asylum-seekers etc), after subsection (4) insert—
 - “(4A) For the purposes of the definitions of “asylum-seeker” and “failed asylum-seeker”, the circumstances in which a claim is determined or rejected include where the claim is declared inadmissible under section 80A or 80B of the Nationality, Immigration and Asylum Act 2002.
 - (4B) But if a claim is—
 - (a) declared inadmissible under section 80B of that Act, and
 - (b) nevertheless considered by the Secretary of State in accordance subsection (7) of that section,the claim ceases to be treated as determined or rejected from the time of the decision to consider the claim.
 - (4C) For the purposes of subsection (3), notification of a declaration of inadmissibility under section 80A or 80B of that Act is to be treated as notification of the Secretary of State’s decision on the claim.”

Status: This is the original version (as it was originally enacted).

- (4) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (5) In section 18 (asylum-seeker: definition), after subsection (1) insert—
- “(1ZA) For the purposes of subsection (1), the circumstances in which a claim is determined include where the claim is declared inadmissible under section 80A or 80B.
- (1ZB) But if a claim is—
- (a) declared inadmissible under section 80B, and
- (b) nevertheless considered by the Secretary of State in accordance subsection (7) of that section,
- the claim ceases to be treated as determined from the time of the decision to consider the claim.”
- (6) In section 21 (sections 17 to 20: supplementary), in subsection (3)(a), at the end insert “or (as the case may be) of the declaration of inadmissibility under section 80A or 80B”.
- (7) In paragraph 17 of Schedule 3 (withholding and withdrawal of support: interpretation), after sub-paragraph (2) insert—
- “(2A) For the purposes of the definition of “asylum-seeker” in sub-paragraph (1), a claim is also determined if the Secretary of State has notified the claimant that it has been declared inadmissible under section 80A or 80B.
- (2B) But if a claim is—
- (a) declared inadmissible under section 80B, and
- (b) nevertheless considered by the Secretary of State in accordance subsection (7) of that section,
- the claim ceases to be treated as determined from the time of the decision to consider the claim.”