Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Appeals

[F1]102 Asylum Support Adjudicators.

. . . . . .

Textual Amendments

F1 S. 102 omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 181**

103 Appeals.

(1) If, on an application for support under section 95, the Secretary of State decides that the applicant does not qualify for support under that section, the applicant may appeal to **[**[F2]the First-tier Tribunal**]**.

(2) If the Secretary of State decides to stop providing support for a person under section 95 before that support would otherwise have come to an end, that person may appeal to **[**[F3]the First-tier Tribunal**]**.

[[F4](2A) If the Secretary of State decides not to provide accommodation for a person under section 4, or not to continue to provide accommodation for a person under section 4, the person may appeal to **[**[F5]the First-tier Tribunal**].]**

(3) On an appeal under this section, the **[**[F6]First-tier Tribunal**]** may—

(a) require the Secretary of State to reconsider the matter;

(b) substitute **[**[F7]its**]** decision for the decision appealed against; or

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(c) dismiss the appeal.

[F8](4) . . . . . .

(5) The decision of the **[**[F9]First-tier Tribunal**]** is final.

(6) If an appeal is dismissed, no further application by the appellant for support under **[**[F10]section 4 or 95**]** is to be entertained unless the Secretary of State is satisfied that there has been a material change in the circumstances.

(7) The Secretary of State may by regulations provide for decisions as to where support provided under **[**[F11]section 4 or 95**]** is to be provided to be appealable to **[**[F12]the First-tier Tribunal**]** under this Part.

(8) Regulations under subsection (7) may provide for any provision of this section to have effect, in relation to an appeal brought by virtue of the regulations, subject to such modifications as may be prescribed.

(9) The Secretary of State may pay any reasonable travelling expenses incurred by an appellant in connection with attendance at any place for the purposes of an appeal under this section.

Textual Amendments

F2 Words in s. 103(1) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(a)**

F3 Words in s. 103(2) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(a)**

F4 S. 103(2A) inserted (31.3.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 10(3)(a)**, 48(3) (with s. 10(6)); S.I. 2005/372, art. 2

F5 Words in s. 103(2A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(a)**

F6 Words in s. 103(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(b)**

F7 Word in s. 103(3)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(c)**

F8 S. 103(4) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(d)**

F9 Words in s. 103(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(b)**

F10 Words in s. 103(6) substituted (31.3.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 10(3)(b)**, 48(3) (with s. 10(6)); S.I. 2005/372, **art. 2**

F11 Words in s. 103(7) substituted (31.3.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 10(3)(b)**, 48(3) (with s. 10(6)); S.I. 2005/372, art. 2

F12 Words in s. 103(7) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 182(a)**

Modifications etc. (not altering text)

C1 S. 103 excluded (8.1.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), **s. 55(10)** (with s. 159); S.I. 2002/2811, **art. 2**, Sch.

[F14]104 **[**[F13]Lord Chancellor**]**'s rules.

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Changes to legislation: *Immigration and Asylum Act 1999, Cross Heading: Appeals is up to date with all changes known to be in force on or before 03 July 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*

Textual Amendments

F13 Words in s. 104 substituted (2.4.2007) by Transfer of Functions (Asylum Support Adjudicators) Order 2007 (S.I. 2007/275), arts. 1(2), **6(1)** (with art. 4)

F14 S. 104 omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 185**

Changes to legislation:
Immigration and Asylum Act 1999, Cross Heading: Appeals is up to date with all changes known to be in force on or before 03 July 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 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)