



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Offences

105 False representations

- (1) A person is guilty of an offence if, with a view to obtaining support for himself or any other person under any provision made by or under this Part, he—
- makes a statement or representation which he knows is false in a material particular;
 - produces or gives to a person exercising functions under this Part, or knowingly causes or allows to be produced or given to such a person, any document or information which he knows is false in a material particular;
 - fails, without reasonable excuse, to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or
 - without reasonable excuse, knowingly causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.

106 Dishonest representations

- (1) A person is guilty of an offence if, with a view to obtaining any benefit or other payment or advantage under this Part for himself or any other person, he dishonestly—
- makes a statement or representation which is false in a material particular;

Status: This is the original version (as it was originally enacted).

- (b) produces or gives to a person exercising functions under this Part, or causes or allows to be produced or given to such a person, any document or information which is false in a material particular;
 - (c) fails to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or
 - (d) causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.
- (3) In the application of this section to Scotland, in subsection (1) for “dishonestly” substitute “knowingly”.

107 Delay or obstruction

- (1) A person is guilty of an offence if, without reasonable excuse, he—
- (a) intentionally delays or obstructs a person exercising functions conferred by or under this Part; or
 - (b) refuses or neglects to answer a question, give any information or produce a document when required to do so in accordance with any provision made by or under this Part.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

108 Failure of sponsor to maintain

- (1) A person is guilty of an offence if, during any period in respect of which he has given a written undertaking in pursuance of the immigration rules to be responsible for the maintenance and accommodation of another person—
- (a) he persistently refuses or neglects, without reasonable excuse, to maintain that person in accordance with the undertaking; and
 - (b) in consequence of his refusal or neglect, support under any provision made by or under this Part is provided for or in respect of that person.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale, or to both.
- (3) For the purposes of this section, a person is not to be taken to have refused or neglected to maintain another person by reason only of anything done or omitted in furtherance of a trade dispute.

109 Supplemental

- (1) If an offence under section 105, 106, 107 or 108 committed by a body corporate is proved—

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

- (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) “Officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (4) If an offence under section 105, 106, 107 or 108 committed by a partnership in Scotland is proved—
 - (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to neglect on his part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) “Partner” includes a person purporting to act as a partner.