



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI

#### SUPPORT FOR ASYLUM-SEEKERS

##### *Provision of support*

#### **95 Persons for whom support may be provided**

- (1) The Secretary of State may provide, or arrange for the provision of, support for—
  - (a) asylum-seekers, or
  - (b) dependants of asylum-seekers,who appear to the Secretary of State to be destitute or to be likely to become destitute within such period as may be prescribed.
- (2) In prescribed circumstances, a person who would otherwise fall within subsection (1) is excluded.
- (3) For the purposes of this section, a person is destitute if—
  - (a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
  - (b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.
- (4) If a person has dependants, subsection (3) is to be read as if the references to him were references to him and his dependants taken together.
- (5) In determining, for the purposes of this section, whether a person's accommodation is adequate, 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 matters as may be prescribed for the purposes of this paragraph or to any of the matters mentioned in subsection (6).

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*Status: This is the original version (as it was originally enacted).*

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- (6) Those matters are—
- (a) the fact that the person concerned has no enforceable right to occupy the accommodation;
  - (b) the fact that he shares the accommodation, or any part of the accommodation, with one or more other persons;
  - (c) the fact that the accommodation is temporary;
  - (d) the location of the accommodation.
- (7) In determining, for the purposes of this section, whether a person's other essential living needs are met, 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 matters as may be prescribed for the purposes of this paragraph.
- (8) The Secretary of State may by regulations provide that items or expenses of such a description as may be prescribed are, or are not, to be treated as being an essential living need of a person for the purposes of this Part.
- (9) Support may be provided subject to conditions.
- (10) The conditions must be set out in writing.
- (11) A copy of the conditions must be given to the supported person.
- (12) Schedule 8 gives the Secretary of State power to make regulations supplementing this section.
- (13) Schedule 9 makes temporary provision for support in the period before the coming into force of this section.