

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

**Changes to legislation:** Immigration Act 2016, PART 2 is up to date with all changes known to be in force on or before 15 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

### SCHEDULE 11

#### SUPPORT FOR CERTAIN CATEGORIES OF MIGRANT

#### PART 2

##### TRANSITIONAL AND SAVING PROVISION

- 46 (1) The repeals made by paragraphs 1 and 2 do not apply in relation to—
- any person for whom accommodation is being provided under section 4 of the Immigration and Asylum Act 1999 immediately before the day on which those paragraphs come into force,
  - any person who has made an application before that day for accommodation to be provided under that section and whose application has not been determined or withdrawn before that day,
  - any person who has appealed before that day against a decision not to provide accommodation for the person under that section, or a decision not to continue to provide accommodation for the person under that section, and whose appeal has not been determined or withdrawn before that day, and
  - any dependant of a person within paragraph (a), (b) or (c).

This is subject to sub-paragraph (2).

- (2) The repeals made by paragraph 2(d) (which remove the right to appeal against a decision not to continue to provide accommodation for a person under section 4 of the Immigration and Asylum Act 1999) apply in relation to any decision not to continue to provide accommodation under that section for any person within sub-paragraph (1) which is made on or after the day on which paragraph 2(d) comes into force.
- (3) On and after the day on which paragraphs 1 and 2 come into force, section 4 of the Immigration and Asylum Act 1999 has effect in relation to persons within sub-paragraph (1) as if in subsection (1)(b) the word “not” were omitted.
- (4) In this paragraph “dependant” has the same meaning as in Part 6 of the Immigration and Asylum Act 1999 (see section 94 of that Act).

#### Commencement Information

- II** Sch. 11 para. 46 in force at 15.1.2018 for specified purposes by S.I. 2017/1241, reg. 2(d)(ii) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

PROSPECTIVE

- 47 (1) The repeal made by paragraph 7(5) does not apply in relation to—

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- (a) any person for whom support is being provided under section 95 of the Immigration and Asylum Act 1999 by virtue of section 94(5) of that Act immediately before the day on which paragraph 7(5) comes into force,
  - (b) any person who has made an application before that day for support to be provided under section 95 of that Act and whose application has not been determined or withdrawn before that day,
  - (c) any person who has appealed before that day against a decision not to provide support for the person under that section, or a decision not to continue to provide support for the person under that section, and whose appeal has not been determined or withdrawn before that day, and
  - (d) any dependant of a person within paragraph (a), (b) or (c).
- (2) Where by virtue of sub-paragraph (1) a person is provided with support under section 95 of the Immigration and Asylum Act 1999 by virtue of section 94(5) of that Act on or after the day on which paragraph 7(5) comes into force, section 103 of that Act (appeals) does not apply in relation to any decision not to continue to provide that support for that person which is made on or after that day.
- (3) In this paragraph “dependant” has the same meaning as in Part 6 of the Immigration and Asylum Act 1999 (see section 94 of that Act).

PROSPECTIVE

- 48 Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (withholding and withdrawal of support) has effect as if—
- (a) after paragraph 7C there were inserted—

*“Eighth class of ineligible person: transitional cases*

- 7D (1) Paragraph 1 applies to a person if—
- (a) the person is a transitionally-supported person (see sub-paragraph (3)),
  - (b) the Secretary of State has certified that, in the Secretary of State's opinion, the person has failed without reasonable excuse to take reasonable steps—
    - (i) to leave the United Kingdom voluntarily, or
    - (ii) to place himself in a position in which he is able to leave the United Kingdom voluntarily,
  - (c) the person has received a copy of the Secretary of State's certificate, and
  - (d) the period of 14 days, beginning with the date on which the person receives the copy of the certificate, has elapsed.
- (2) Paragraph 1 also applies to a dependant of a person to whom that paragraph applies by virtue of sub-paragraph (1).
- (3) A person is a “transitionally-supported person” if—
- (a) accommodation is provided for the person by virtue of section 4 of the Immigration and Asylum Act 1999

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as that section has effect by virtue of paragraph 46 of Schedule 11 to the Immigration Act 2016, or

- (b) support is provided for the person under section 95 of the Immigration and Asylum Act 1999 by virtue of section 94(5) of that Act, as that provision has effect by virtue of paragraph 47 of that Schedule.
- (4) For the purpose of sub-paragraph (1)(d), if the Secretary of State sends a copy of a certificate by first class post to a person's last known address, the person is treated as receiving the copy on the second day after the day on which it was posted.
- (5) The Secretary of State may by regulations vary the period specified in sub-paragraph (1)(d).”, and
- (b) in paragraph 14 (information), references to paragraph 7 included a reference to the paragraph 7D treated as inserted by this Schedule.

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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\(4\)](#)