Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS[F1: ENGLAND]

Eligibility for assistance

186 Asylum-seekers and their dependants.

(1) An asylum-seeker, or a dependant of an asylum-seeker who is not by virtue of section 185 a person from abroad who is ineligible for housing assistance, is not eligible for assistance under this Part if he has any accommodation in the United Kingdom, however temporary, available for his occupation.

(2) For the purposes of this section a person who makes a claim for asylum—

(a) becomes an asylum-seeker at the time when his claim is recorded by the Secretary of State as having been made, and

(b) ceases to be an asylum-seeker at the time when his claim is recorded by the Secretary of State as having been finally determined or abandoned.

(3) For the purposes of this section a person—

(a) becomes a dependant of an asylum-seeker at the time when he is recorded by the Secretary of State as being a dependant of the asylum-seeker, and

(b) ceases to be a dependant of an asylum-seeker at the time when the person whose dependant he is ceases to be an asylum-seeker or, if it is earlier, at the time when he is recorded by the Secretary of State as ceasing to be a dependant of the asylum-seeker.

(4) In relation to an asylum-seeker, "dependant" means a person—

(a) who is his spouse or a child of his under the age of eighteen, and

(b) who has neither a right of abode in the United Kingdom nor indefinite leave under the [M1]Immigration Act 1971 to enter or remain in the United Kingdom.

Changes to legislation: *Housing Act 1996, Section 186 is up to date with all changes known to be in force on or before 28 August 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*

(5) In this section a "claim for asylum" means a claim made by a person that it would be contrary to the United Kingdom's obligations under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention for him to be removed from, or required to leave, the United Kingdom.

Modifications etc. (not altering text)

C1 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

C2 Savings for effects of 1999 c. 33, ss. 117(5), 169(3), 170(4), Sch. 16 (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), Sch. 2 para. 2; S.I. 2015/1272 (with art. 5)

Marginal Citations

M1 1971 c. 77.

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View outstanding changes

Changes and effects yet to be applied to :

- s. 186 repealed by 1999 c. 33 s. 117(5)Sch. 16
- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by S.I. 2019/110 reg. 5

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by S.I. 2022/1172 Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124(1A) inserted by 2016 c. 22 Sch. 7 para. 20(2)
- s. 124(6) inserted by 2016 c. 22 Sch. 7 para. 20(6)
- s. 124A124B inserted by 2016 c. 22 Sch. 7 para. 21
- s. 125A(3A)(3B) inserted by 2016 c. 22 Sch. 7 para. 22(3)
- s. 130A inserted by 2016 c. 22 Sch. 8 para. 7
- s. 133(1A) inserted by 2016 c. 22 Sch. 8 para. 9(2)
- s. 143J(3A) inserted by 2016 c. 22 Sch. 8 para. 13(2)
- s. 143J(7)(a) words omitted by S.I. 2022/1166 reg. 25(11)(b) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by 2016 c. 22 Sch. 8 para. 10
- s. 143MA(3A)-(3D) inserted by 2016 c. 22 Sch. 7 para. 27(3)
- s. 143MB inserted by 2016 c. 22 Sch. 7 para. 28
- Sch. 2 para. 10A(1A) inserted by 2024 c. 22 Sch. 13 para. 6(3)
- Sch. 2 para. 10A(6) inserted by 2024 c. 22 Sch. 13 para. 6(6)