



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Interpretation

94 Interpretation of Part VI.

(1) In this Part—
F1 ...

“asylum-seeker” means a person who is not under 18 and has made a claim for asylum which has been recorded by the Secretary of State but which has not been determined;

“claim for asylum” means a claim that it would be contrary to the United Kingdom’s obligations under the Refugee Convention, or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom;

“the Department” means the Department of Health and Social Services for Northern Ireland;

“dependant”, in relation to an asylum-seeker or a supported person, means a person in the United Kingdom who—

- (a) is his spouse;
- (b) is a child of his, or of his spouse, who is under 18 and dependent on him; or
- (c) falls within such additional category, if any, as may be prescribed;

“the Executive” means the Northern Ireland Housing Executive;

“housing accommodation” includes flats, lodging houses and hostels;

“local authority” means—

- (a) in England and Wales, a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

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- (b) in Scotland, a council constituted under section 2 of the ^{M1}Local Government etc. (Scotland) Act 1994;
 - [^{F2}“Northern Ireland authority” has the meaning given by section 110(9).]
 - “supported person” means—
 - (a) an asylum-seeker, or
 - (b) a dependant of an asylum-seeker,
 - who has applied for support and for whom support is provided under section 95.
- (2) References in this Part to support provided under section 95 include references to support which is provided under arrangements made by the Secretary of State under that section.
- (3) For the purposes of this Part, a claim for asylum is determined at the end of such period beginning—
- (a) on the day on which the Secretary of State notifies the claimant of his decision on the claim, or
 - (b) if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of,
- as may be prescribed.
- (4) An appeal is disposed of when it is no longer pending for the purposes of the Immigration Acts or the ^{M2}Special Immigration Appeals Commission Act 1997.
- [^{F3}(4A) For the purposes of the definitions of “asylum-seeker” and “failed asylum-seeker”, the circumstances in which a claim is determined or rejected include where the claim is declared inadmissible under section 80A or 80B of the Nationality, Immigration and Asylum Act 2002.
- (4B) But if a claim is—
- (a) declared inadmissible under section 80B of that Act, and
 - (b) nevertheless considered by the Secretary of State in accordance subsection (7) of that section,
- the claim ceases to be treated as determined or rejected from the time of the decision to consider the claim.
- (4C) For the purposes of subsection (3), notification of a declaration of inadmissibility under section 80A or 80B of that Act is to be treated as notification of the Secretary of State’s decision on the claim.]
- (5) If an asylum-seeker’s household includes a child who is under 18 and a dependant of his, he is to be treated (for the purposes of this Part) as continuing to be an asylum-seeker while—
- (a) the child is under 18; and
 - (b) he and the child remain in the United Kingdom.
- (6) Subsection (5) does not apply if, on or after the determination of his claim for asylum, the asylum-seeker is granted leave to enter or remain in the United Kingdom (whether or not as a result of that claim).
- [^{F4}(7) For further provision as to the conduct of age assessments, which applies for the purposes of this Part, see Part 4 of the Nationality and Borders Act 2022.]

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- (8) A notice under subsection (3) must be given in writing.
- (9) If such a notice is sent by the Secretary of State by first class post, addressed—
- (a) to the asylum-seeker’s representative, or
 - (b) to the asylum-seeker’s last known address,
- it is to be taken to have been received by the asylum-seeker on the second day after the day on which it was posted.

Textual Amendments

- F1** Definition in s. 94(1) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 180**
- F2** Definition in s. 94(1) inserted (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 60(2)**, 162(1) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F3** S. 94(4A)-(4C) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), **ss. 17(3)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 16
- F4** S. 94(7) substituted (31.3.2023) by Nationality and Borders Act 2022 (c. 36), **ss. 49(5)**, 87(1); S.I. 2023/283, reg. 2(a)

Marginal Citations

- M1** 1994 c. 39.
- M2** 1997 c. 68.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 94(1) words inserted by 2016 c. 19 Sch. 11 para. 3(2)(c)
- s. 94(1) words inserted by 2016 c. 19 Sch. 11 para. 3(2)(d)
- s. 94(1) words inserted by 2016 c. 19 Sch. 11 para. 7(2)(a)
- s. 94(1) words inserted by 2016 c. 19 Sch. 11 para. 7(2)(b)
- s. 94(1) words omitted by 2016 c. 19 Sch. 11 para. 3(2)(b)
- s. 94(1) words substituted by 2002 c. 41 s. 44(2) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(1) words substituted by 2002 c. 41 s. 44(3) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(1) words substituted by 2016 c. 19 Sch. 11 para. 3(2)(a)
- s. 94(1) words substituted by 2016 c. 19 Sch. 11 para. 7(2)(c)
- s. 94(2) words inserted by 2016 c. 19 Sch. 11 para. 7(3)
- s. 94(3) words substituted by 2016 c. 19 Sch. 11 para. 3(4)
- s. 94(4A) words inserted by 2023 c. 37 s. 9(3)(a)
- s. 94(4B) words substituted by 2023 c. 37 s. 9(3)(b)
- s. 94(4C) words substituted by 2023 c. 37 s. 9(3)(c)
- s. 94(5)(6) omitted by 2016 c. 19 Sch. 11 para. 7(5)
- s. 94(5)(6) repealed by 2002 c. 41 s. 44(5) Sch. 9 (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(8) words inserted by 2016 c. 19 Sch. 11 para. 3(6)

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\(2\)\(b\)](#)