

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Immigration Act 2016, Cross Heading: Accommodation centres: definition of “asylum-seeker” etc is up to date with all changes known to be in force on or before 16 August 2023. 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 1

AMENDMENTS OF THE IMMIGRATION ACTS

PROSPECTIVE

Accommodation centres: definition of “asylum-seeker” etc

- 31 (1) Section 18 of the Nationality, Immigration and Asylum Act 2002 (definition of asylum-seeker for purposes of Part 2) is amended as follows.
- (2) For subsection (1) substitute—
- “ (1) For the purposes of this Part a person is an “asylum-seeker” if—
- (a) the person is at least 18 years old,
 - (b) the person has made a protection claim, and
 - (c) the person's claim—
 - (i) has been recorded by the Secretary of State, but
 - (ii) has not been determined.
- (1A) A person is also an “asylum-seeker” for the purposes of this Part if the person is an asylum-seeker for the purposes of Part 6 of the Immigration and Asylum Act 1999 by virtue of section 94(2B) or (3C) of that Act.”
- (3) For subsection (3) substitute—
- “(3) Protection claim” has the meaning given by section 82(2).”
- 32 (1) In consequence of the amendment made by paragraph 31(3), section 26A of the Immigration Act 1971 (registration card) is amended as follows.
- (2) In subsection (1)(b)(i), for “claim for asylum” substitute “ protection claim ”.
- (3) In subsection (2), for “ “claim for asylum” ” substitute “ “protection claim” ”.
- 33 In consequence of the amendments made by paragraph 31, the Nationality, Immigration and Asylum Act 2002 is amended as follows.
- 34 In section 16 (establishment of accommodation centres), in subsection (3)(b), for “claims for asylum” substitute “ protection claims ”.
- 35 In section 21(3), for “claim for asylum” substitute “ protection claim ”.

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- 36 In section 29 (facilities), in subsection (1)(c), for “claim for asylum” substitute “
 protection claim”.
- 37 (1) Section 55 (late claim for asylum: refusal of support) is amended as follows.
- (2) In subsections (1)(a), (3)(a) and (6)(a), for “claim for asylum” substitute “protection
 claim”.
- (3) In subsection (9), for “ “claim for asylum” ” substitute “ “protection claim” ”.
- (4) The heading of the section becomes “ **Late protection claim: refusal of support** ”.
- 38 In section 70 (induction), in the definition of “asylum-seeker” in subsection (3),
 after “section 18(1)(a)” insert “ of this Act and section 94(2B)(a) of the
 Immigration and Asylum Act 1999 ”.
- 39 (1) Section 71 (asylum-seeker: residence, etc restriction) is amended as follows.
- (2) In subsection (1)(a), for “claim for asylum” substitute “protection claim”.
- (3) In subsection (5), for “ “claim for asylum” ” substitute “ “protection claim” ”.
- 40 In Schedule 3 (withholding and withdrawal of support), in paragraph 17(1), for
 the definition of “asylum-seeker” substitute—
- ““asylum-seeker” has the meaning given by section 18,”.

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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\(4\)](#)