



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 2

#### ACCOMMODATION CENTRES

PROSPECTIVE

#### *Operation of centres*

#### **27 Resident of centre**

A reference in this Part to a resident of an accommodation centre is a reference to a person for whom accommodation in the centre is provided—

- (a) under section 17,
- (b) by virtue of section 22,
- (c) by virtue of section 23, or
- (d) under section 24.

#### **28 Manager of centre**

A reference in this Part to the manager of an accommodation centre is a reference to a person who agrees with the Secretary of State to be wholly or partly responsible for the management of the centre.

#### **29 Facilities**

- (1) The Secretary of State may arrange for the following to be provided to a resident of an accommodation centre—
  - (a) food and other essential items;

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- (b) money;
  - (c) assistance with transport for the purpose of proceedings under the Immigration Acts or in connection with a claim for asylum;
  - (d) transport to and from the centre;
  - (e) assistance with expenses incurred in connection with carrying out voluntary work or other activities;
  - (f) education and training;
  - (g) facilities relating to health;
  - (h) facilities for religious observance;
  - (i) anything which the Secretary of State thinks ought to be provided for the purpose of providing a resident with proper occupation and for the purpose of maintaining good order;
  - (j) anything which the Secretary of State thinks ought to be provided for a person because of his exceptional circumstances.
- (2) The Secretary of State may make regulations specifying the amount or maximum amount of money to be provided under subsection (1)(b).
- (3) The Secretary of State may arrange for the provision of facilities in an accommodation centre for the use of a person in providing legal advice to a resident of the centre.
- (4) The Secretary of State shall take reasonable steps to ensure that a resident of an accommodation centre has an opportunity to obtain legal advice before any appointment made by an immigration officer or an official of the Secretary of State for the purpose of obtaining information from the resident to be used in determining his claim for asylum.
- (5) The Secretary of State may by order amend subsection (1) so as to add a reference to facilities which may be provided.

### **30 Conditions of residence**

- (1) The Secretary of State may make regulations about conditions to be observed by residents of an accommodation centre.
- (2) Regulations under subsection (1) may, in particular, enable a condition to be imposed in accordance with the regulations by—
- (a) the Secretary of State, or
  - (b) the manager of an accommodation centre.
- (3) A condition imposed by virtue of this section may, in particular—
- (a) require a person not to be absent from the centre during specified hours without the permission of the Secretary of State or the manager;
  - (b) require a person to report to an immigration officer or the Secretary of State.
- (4) If a resident of an accommodation centre breaches a condition imposed by virtue of this section, the Secretary of State may—
- (a) require the resident and any dependant of his to leave the centre;
  - (b) authorise the manager of the centre to require the resident and any dependant of his to leave the centre.
- (5) If a dependant of a resident of an accommodation centre breaches a condition imposed by virtue of this section, the Secretary of State may—

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- (a) require the resident and any dependant of his to leave the centre;
  - (b) authorise the manager of the centre to require the resident and any dependant of his to leave the centre.
- (6) Regulations under this section must include provision for ensuring that a person subject to a condition is notified of the condition in writing.
- (7) A condition imposed by virtue of this section is in addition to any <sup>F1</sup>condition imposed under Schedule 10 to the Immigration Act 2016.]
- (8) A reference in this Part to a condition of residence is a reference to a condition imposed by virtue of this section.

#### Textual Amendments

- F1** Words in s. 30(7) substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 10 para. 33; S.I. 2017/1241, reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31, reg. 2](#))

### 31 Financial contribution by resident

- (1) A condition of residence may, in particular, require a resident of an accommodation centre to make payments to—
  - (a) the Secretary of State, or
  - (b) the manager of the centre.
- (2) The Secretary of State may make regulations enabling him to recover sums representing the whole or part of the value of accommodation and other facilities provided to a resident of an accommodation centre if—
  - (a) accommodation is provided for the resident in response to an application by him for support,
  - (b) when the application was made the applicant had assets which were not capable of being realised, and
  - (c) the assets have become realisable.
- (3) In subsection (2) “assets” includes assets outside the United Kingdom.
- (4) An amount recoverable by virtue of regulations made under subsection (2) may be recovered—
  - (a) as a debt due to the Secretary of State;
  - (b) by another prescribed method (which may include the imposition or variation of a residence condition).

### 32 Tenure

- (1) A resident of an accommodation centre shall not be treated as acquiring a tenancy of or other interest in any part of the centre (whether by virtue of an agreement between the resident and another person or otherwise).
- (2) Subsection (3) applies where—
  - (a) the Secretary of State decides to stop arranging for the provision of accommodation in an accommodation centre for a resident of the centre, or

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- (b) a resident of an accommodation centre is required to leave the centre in accordance with section 30.
- (3) Where this subsection applies—
  - (a) the Secretary of State or the manager of the centre may recover possession of the premises occupied by the resident, and
  - (b) the right under paragraph (a) shall be enforceable in accordance with procedure prescribed by regulations made by the Secretary of State.
- (4) Any licence which a resident of an accommodation centre has to occupy premises in the centre shall be an excluded licence for the purposes of the Protection from Eviction Act 1977 (c. 43).
- (5) The following shall be inserted after section 3A(7A) of the Protection from Eviction Act 1977 (disapplication of section 3: Part VI of Immigration and Asylum Act 1999 (c. 33))—
 

“(7B) Section 32 of the Nationality, Immigration and Asylum Act 2002 (accommodation centre: tenure) provides for a resident’s licence to occupy an accommodation centre to be an excluded licence.”
- (6) The following shall be inserted after section 23A(5A) of the Rent (Scotland) Act 1984 (c. 58) (excluded tenancies and occupancy rights)—
 

“(5B) Nothing in section 23 of this Act applies to a resident’s occupancy of an accommodation centre provided under section 16 or 24(1)(b) of the Nationality, Immigration and Asylum Act 2002 (“resident” being construed in accordance with section 27 of that Act).”
- (7) In this section a reference to an accommodation centre includes a reference to premises in which accommodation is provided under section 24(1)(b).

### **33 Advisory Groups**

- (1) The Secretary of State shall appoint a group (to be known as an Accommodation Centre Advisory Group) for each accommodation centre.
- (2) The Secretary of State may by regulations—
  - (a) confer functions on Advisory Groups;
  - (b) make provision about the constitution and proceedings of Advisory Groups.
- (3) Regulations under subsection (2)(a) must, in particular, provide for members of an accommodation centre’s Advisory Group—
  - (a) to visit the centre;
  - (b) to hear complaints made by residents of the centre;
  - (c) to report to the Secretary of State.
- (4) The manager of an accommodation centre must permit a member of the centre’s Advisory Group on request—
  - (a) to visit the centre at any time;
  - (b) to visit any resident of the centre at any time, provided that the resident consents.

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- (5) A member of an Advisory Group shall hold and vacate office in accordance with the terms of his appointment (which may include provision about retirement, resignation or dismissal).
- (6) The Secretary of State may—
  - (a) defray expenses of members of an Advisory Group;
  - (b) make facilities available to members of an Advisory Group.

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

- [Blanket amendment words substituted by S.I. 2011/1043 art. 34](#)

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

- s. 18(1)(1A) substituted for s. 18(1) by [2016 c. 19 Sch. 11 para. 31\(2\)](#)
- s. 22A inserted by [2022 c. 36 s. 13\(7\)](#)
- s. 27(ba) inserted by [2022 c. 36 s. 13\(10\)](#)
- s. 51(2)(d) and word inserted by [2016 c. 19 Sch. 11 para. 26\(6\)](#)
- s. 55(2)(aa) inserted by [2016 c. 19 Sch. 11 para. 26\(7\)](#)
- s. 62(3A) inserted by [2023 c. 37 s. 11\(8\)](#)
- s. 80A(5A) inserted by [2023 c. 37 s. 10\(8\)](#)
- s. 82A inserted by [2022 c. 36 s. 23\(1\)](#)
- s. 94(6B) inserted by [2006 c. 13 s. 13](#)
- s. 106(2)(ua) inserted by [2007 c. 30 s. 19\(3\)](#)
- s. 107(2A) inserted by [2022 c. 36 Sch. 3 para. 5\(a\)](#)
- s. 126(2A) inserted by [S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 1(1)(ga) inserted by [2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(a))
- Sch. 3 para. 1(2A) inserted by [2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(b))
- Sch. 3 para. 1A inserted by [2016 c. 19 Sch. 12 para. 3](#)
- Sch. 3 para. 2(1)(ca) inserted by [2016 c. 19 Sch. 12 para. 4\(3\)](#)
- Sch. 3 para. 2A inserted by [2016 c. 19 Sch. 12 para. 5](#)
- Sch. 3 para. 3A-3C inserted by [2016 c. 19 Sch. 12 para. 6](#)
- Sch. 3 para. 7B7C and cross-headings inserted by [2016 c. 19 Sch. 12 para. 9](#)
- Sch. 3 para. 10A10B inserted by [2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(c))
- Sch. 3 para. 15(aa) inserted by [2016 c. 19 Sch. 12 para. 14\(2\)](#)
- Sch. 3 para. 15(d)-(f) inserted by [2016 c. 19 Sch. 12 para. 14\(4\)](#)
- Sch. 3 para. 7C(1)(c) word substituted by [S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 5 para. 3(1) Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) by [2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(2)-(4) inserted by [2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(1) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))