



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 3

OTHER SUPPORT AND ASSISTANCE

55 Late claim for asylum: refusal of support

- (1) The Secretary of State may not provide or arrange for the provision of support to a person under a provision mentioned in subsection (2) if—
 - (a) the person makes a claim for asylum which is recorded by the Secretary of State, and
 - (b) the Secretary of State is not satisfied that the claim was made as soon as reasonably practicable after the person's arrival in the United Kingdom.
- (2) The provisions are—
 - (a) sections 4, 95 and 98 of the Immigration and Asylum Act 1999 (c. 33) (support for asylum-seeker, &c.), and
 - (b) sections 17 and 24 of this Act (accommodation centre).
- (3) An authority may not provide or arrange for the provision of support to a person under a provision mentioned in subsection (4) if—
 - (a) the person has made a claim for asylum, and
 - (b) the Secretary of State is not satisfied that the claim was made as soon as reasonably practicable after the person's arrival in the United Kingdom.
- (4) The provisions are—
 - (a) section 29(1)(b) of the Housing (Scotland) Act 1987 (c. 26) (accommodation pending review),
 - (b) section 188(3) or 204(4) of the Housing Act 1996 (c. 52) (accommodation pending review or appeal),^{F1}...
 - ^{F2}(c) [^{F3}and

Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 55 is up to date with all changes known to be in force on or before 04 May 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

- (d) section 1 of the Localism Act 2011 (local authority’s general power of competence)]
- (5) This section shall not prevent—
- (a) the exercise of a power by the Secretary of State to the extent necessary for the purpose of avoiding a breach of a person’s Convention rights (within the meaning of the Human Rights Act 1998 (c. 42)),
 - (b) the provision of support under section 95 of the Immigration and Asylum Act 1999 (c. 33) or section 17 of this Act in accordance with section 122 of that Act (children), or
 - (c) the provision of support under section 98 of the Immigration and Asylum Act 1999 or section 24 of this Act (provisional support) to a person under the age of 18 and the household of which he forms part.
- (6) An authority which proposes to provide or arrange for the provision of support to a person under a provision mentioned in subsection (4)—
- (a) must inform the Secretary of State if the authority believes that the person has made a claim for asylum,
 - (b) must act in accordance with any guidance issued by the Secretary of State to determine whether subsection (3) applies, and
 - (c) shall not be prohibited from providing or arranging for the provision of support if the authority has complied with paragraph (a) and (b) and concluded that subsection (3) does not apply.
- (7) The Secretary of State may by order—
- (a) add, remove or amend an entry in the list in subsection (4);
 - (b) provide for subsection (3) not to have effect in specified cases or circumstances.
- (8) An order under subsection (7)—
- (a) may include transitional, consequential or incidental provision,
 - (b) must be made by statutory instrument, and
 - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (9) For the purposes of this section “claim for asylum” has the same meaning as in section 18.
- (10) A decision of the Secretary of State that this section prevents him from providing or arranging for the provision of support to a person is not a decision that the person does not qualify for support for the purpose of section 103 of the Immigration and Asylum Act 1999 (appeals).
- (11) This section does not prevent a person’s compliance with a residence restriction imposed in reliance on section 70 (induction).

Textual Amendments

- F1** Word in s. 55(4)(b) omitted (28.3.2012) by virtue of [The Localism Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/961\)](#), art. 1(2), [Sch. 1 para. 3\(a\)](#)
- F2** [S. 55\(4\)\(c\) omitted \(E.W.\) \(5.5.2022\)](#) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 3 para. 11\(2\)](#); S.I. 2021/231, art. 6(r)

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F3 S. 55(4)(d) and word inserted (28.3.2012) by [The Localism Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/961\)](#), art. 1(2), **Sch. 1 para. 3(b)**

Modifications etc. (not altering text)

C1 S. 55(1)(b) referred to (15.6.2005) by [The Displaced Persons \(Temporary Protection\) Regulations 2005 \(S.I. 2005/1379\)](#), **reg. 16(2)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 55 heading substituted by [2016 c. 19 Sch. 11 para. 37\(4\)](#)
- s. 55(1)(a) words substituted by [2016 c. 19 Sch. 11 para. 37\(2\)](#)
- s. 55(2)(a) word omitted by [2016 c. 19 Sch. 11 para. 2\(g\)\(v\)](#)
- s. 55(3)(a) words substituted by [2016 c. 19 Sch. 11 para. 37\(2\)](#)
- s. 55(6)(a) words substituted by [2016 c. 19 Sch. 11 para. 37\(2\)](#)
- s. 55(9) words substituted by [2016 c. 19 Sch. 11 para. 37\(3\)](#)

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))