



UK Borders Act 2007

2007 CHAPTER 30

Treatment of claimants

16 Conditional leave to enter or remain

After section 3(1)(c)(iii) of the Immigration Act 1971 (limited leave to enter or remain: conditions) insert—

- “(iv) a condition requiring him to report to an immigration officer or the Secretary of State; and
- (v) a condition about residence.”

Commencement Information

II S. 16 in force at 31.1.2008 by S.I. 2008/99, art. 2(g) (with art. 3)

17 Support for failed asylum-seekers

- (1) This section applies for the purposes of—
 - (a) Part 6 (and section 4) of the Immigration and Asylum Act 1999 (support and accommodation for asylum-seekers),
 - (b) Part 2 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (accommodation centres), and
 - (c) Schedule 3 to that Act (withholding and withdrawal of support).
- (2) A person (A-S) remains (or again becomes) an asylum-seeker, despite the fact that the claim for asylum made by A-S has been determined, during any period when—
 - (a) A-S can bring an in-country appeal ^{F1}... under section 82 of the 2002 Act or section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68), or
 - (b) an in-country appeal, brought by A-S under either of those sections ^{F2}..., is pending (within the meaning of section 104 of the 2002 Act).
- (3) For the purposes of subsection (2)—

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- (a) “in-country” appeal means an appeal brought while the appellant is in the United Kingdom, and
 - (b) the possibility of an appeal out of time with permission shall be ignored.
- (4) For the purposes of the provisions mentioned in subsection (1)(a) and (b), a person's status as an asylum-seeker by virtue of subsection (2)(b) continues for a prescribed period after the appeal ceases to be pending.
- (5) In subsection (4) “prescribed” means prescribed by regulations made by the Secretary of State; and the regulations—
- (a) may contain incidental or transitional provision,
 - (b) may make different provision for different classes of case,
 - (c) shall be made by statutory instrument, and
 - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section shall be treated as always having had effect.

Textual Amendments

- F1** Words in s. 17(2)(a) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 58\(a\)](#); [S.I. 2014/2771, art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- F2** Words in s. 17(2)(b) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 58\(b\)](#); [S.I. 2014/2771, art. 2\(e\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

18 Support for asylum-seekers: enforcement

In Part 6 of the Immigration and Asylum Act 1999 (c. 33) (support for asylum-seekers) after section 109 (offences: supplemental) insert—

“109A Arrest

An immigration officer may arrest without warrant a person whom the immigration officer reasonably suspects has committed an offence under section 105 or 106.

109B >Entry, search and seizure

- (1) An offence under section 105 or 106 shall be treated as—
- (a) a relevant offence for the purposes of sections 28B and 28D of the Immigration Act 1971, and
 - (b) an offence under Part 3 of that Act (criminal proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest, &c.) of that Act.

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- (2) The following provisions of the Immigration Act 1971 (c. 77) shall have effect in connection with an offence under section 105 or 106 of this Act as they have effect in connection with an offence under that Act—
- (a) section 28I (seized material: access and copying),
 - (b) section 28J (search warrants: safeguards),
 - (c) section 28K (execution of warrants), and
 - (d) section 28L(1) (interpretation).”

Commencement Information

I2 S. 18 in force at 31.1.2008 by S.I. 2008/99, art. 2(h)

F³19 Points-based applications: no new evidence on appeal

Textual Amendments

F3 S. 19 repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 60 table; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

Commencement Information

I3 S. 19 in force at 23.5.2011 by S.I. 2011/1293, art. 2 (with art. 3)

F⁴20 Fees

Textual Amendments

F4 S. 20 repealed (15.12.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 76(b); S.I. 2014/2771, art. 8(d) (with art. 13) (as amended (6.4.2015) by S.I. 2015/371, arts. 1(3), 8(5))

Commencement Information

I4 S. 20 in force at 31.1.2008 by S.I. 2008/99, art. 2(i)

F⁵21 Children

Textual Amendments

F5 S. 21 repealed (2.11.2009) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 55(8), 58(4)(b), Sch. Pt. 4; S.I. 2009/2731, art. 2(a)

Changes to legislation:

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

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)](#)⁵

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

- s. 33(4)(4A)(4B) substituted for s. 33(4) by [S.I. 2019/745 reg. 17\(3\)](#) (This amendment not applied to legislation.gov.uk. Reg. 17(3)(4) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 61(2)(o) and word inserted by [2024 c. 8 s. 7\(1\)\(b\)](#)