



# UK Borders Act 2007

## 2007 CHAPTER 30

### *Treatment of claimants*

#### **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 <sup>F1</sup>... 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 <sup>F2</sup>..., is pending (within the meaning of section 104 of the 2002 Act).
- (3) For the purposes of subsection (2)—
  - (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

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(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))

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**Changes and effects yet to be applied to :**

- s. 17(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(j\)\(i\)](#)

**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\(1\)\(b\)](#)