



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 2

#### ASYLUM

##### *Treatment of refugees; support for asylum-seekers*

### 13 Accommodation for asylum-seekers etc

- (1) In section 97 of the Immigration and Asylum Act 1999 (support for asylum-seekers: supplemental matters), after subsection (3) insert—

“(3A) When exercising the power under section 95 (support for asylum seekers) or section 4 (accommodation for failed asylum seekers) to provide or arrange for the provision of accommodation, the Secretary of State may decide to provide or arrange for the provision of different types of accommodation to persons supported under those sections on the basis of either or both of the following matters—

- (a) the stage that their claim for asylum has reached, including whether they have been notified that their claim is being considered for a declaration of inadmissibility (see sections 80A and 80B of the Nationality, Immigration and Asylum Act 2002);
- (b) their previous compliance with any conditions imposed on them under any of the following—
  - (i) section 95(9) (conditions for support under section 95);
  - (ii) Schedule 10 to the Immigration Act 2016 (conditions of immigration bail);
  - (iii) regulations made under section 4(6) (conditions for support under section 4).”

- (2) In section 97(3A) of the Immigration and Asylum Act 1999 (as inserted by subsection (1))—

- (a) in the words before paragraph (a)—

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**Changes to legislation:** Nationality and Borders Act 2022, Section 13 is up to date with all changes known to be in force on or before 20 April 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

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- (i) for “section 4 (accommodation for failed asylum seekers)” substitute “section 95A (support for failed asylum seekers)”;
  - (ii) for “persons supported under those sections” substitute “supported persons”;
  - (b) in paragraph (a), for “claim for asylum” substitute “protection claim”;
  - (c) in paragraph (b)—
    - (i) for sub-paragraph (iii) substitute—
      - “(iii) regulations made under section 95A(5) (conditions for support under section 95A);”;
    - (ii) at the end insert—
      - “(iv) regulations made under section 30 of the Nationality, Immigration and Asylum Act 2002 (conditions of residence in accommodation centre).”
- (3) In section 98 of that Act (temporary support for asylum-seekers etc), at the end insert—
- “(4) Subsection (3A) of section 97 applies to the power to provide, or arrange for the provision of, accommodation under this section as it applies to the power to do so under section 95.”
- (4) In section 98A of that Act (temporary support for failed asylum-seekers etc), at the end insert—
- “(5) Subsection (3A) of section 97 applies to the power to provide, or arrange for the provision of, accommodation under this section as it applies to the power to do so under section 95A.”
- (5) In section 17 of the Nationality, Immigration and Asylum Act 2002 (support for destitute asylum-seeker), in subsection (1), at the end insert—
- “See also section 97(3A) of the Immigration and Asylum Act 1999 (decision on type of accommodation for asylum-seekers etc).”
- (6) In section 22 of that Act—
- (a) after “95” insert “or 98”;
  - (b) for “(destitute asylum-seeker)” substitute “(support and temporary support for asylum-seekers)”;
  - (c) in the heading, for “s. 95” substitute “sections 95 and 98”.
- (7) After section 22 of that Act, insert—

**“22A Immigration and Asylum Act 1999, sections 95A and 98A**

The Secretary of State may provide support under section 95A or 98A of the Immigration and Asylum Act 1999 (support and temporary support for failed asylum-seekers) by arranging for the provision of accommodation in an accommodation centre.”

- (8) In section 24 of that Act (provisional assistance), in subsection (1), at the end insert—
- “See also section 98(4) of the Immigration and Asylum Act 1999 (decision on type of accommodation for asylum-seekers etc).”

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(9) In section 25 of that Act (length of stay in accommodation centre), in subsection (4), for “shorter” substitute “different”.

(10) In section 27 of that Act (resident of centre), after paragraph (b) insert—  
“(ba) by virtue of section 22A,”.

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**Commencement Information**

**I1** S. 13 not in force at Royal Assent, see [s. 87\(1\)](#)

**I2** [S. 13\(1\)\(3\)](#) in force at 28.6.2022 by [S.I. 2022/590](#), [regs. 1\(2\), 2](#), [Sch. 1 para. 11](#)

**Changes to legislation:**

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**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. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)