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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 11**

**The Social Security (Persons from Abroad) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996**

**Amendment of the Housing Benefit (General) Regulations**

**5.** In regulation 7A of the Housing Benefit (General) Regulations (Northern Ireland) 1987(1) (persons from abroad)—

(a) in paragraph (4) after sub-paragraph (e)(2) there shall be added the following sub-paragraphs—

“(f) has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon an undertaking given by another person in writing in pursuance of immigration rules within the meaning of the 1971 Act, to be responsible for his maintenance and accommodation; and he has not been resident in the United Kingdom for a period of at least 5 years beginning with the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later, or

(g) while he is a person to whom any of the definitions in paragraph (2) or sub-paragraphs (a) to (d) and (f) applies, submits a claim to the Secretary of State, which is not finally determined, for asylum under the Convention relating to the Status of Refugees.”;

(b) for paragraph (5) there shall be substituted the following paragraph—

“(5) This paragraph applies to a person who—

(a) is an asylum seeker and for this purpose a person is an asylum seeker when he submits on his arrival (other than on his re-entry) in the United Kingdom from a country outside the Common Travel Area a claim for asylum to the Secretary of State that it would be contrary to the United Kingdom’s obligations under the Convention relating to the Status of Refugees for him to be removed from, or required to leave, the United Kingdom and that claim is recorded by the Secretary of State as having been made;

(b) becomes, while present in Northern Ireland, an asylum seeker and for this purpose a person is an asylum seeker when—

(i) the Secretary of State makes a declaration to the effect that the country of which that person is a national is subject to such a fundamental change in circumstances that he would not normally order the return of a person to that country,

(ii) he submits, within a period of 3 months from the day that declaration was made, a claim for asylum to the Secretary of State under the Convention relating to the Status of Refugees, and

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(1) S.R. 1987 No. 461; regulation 7A is inserted by S.R. 1994 No. 80 and amended by S.R. 1994 No. 266

(2) Sub-paragraph (e) is added by S.R. 1994 No. 266

- (iii) his claim for asylum under that Convention is recorded by the Secretary of State as having been made;
- (c) is a person to whom paragraph (4)(f) (sponsored immigrant) applies and the person who gave the undertaking to provide for his maintenance and accommodation has died; or
- (d) is in receipt of income support.”;
- (c) after paragraph (5) there shall be inserted the following paragraph—
  - “(5A) For the purposes of paragraph (5)(a) and (b), a person ceases to be an asylum seeker—
    - (a) in the case of a claim for asylum which, on or after 5th February 1996, is recorded by the Secretary of State as having been determined (other than on appeal) or abandoned, on the date on which it is so recorded; or
    - (b) in the case of a claim for asylum which is recorded as determined before 5th February 1996 and in respect of which there is either an appeal pending on 5th February 1996 or an appeal is made within the time limits specified in rule 5 of the Asylum Appeals (Procedure) Rules 1993 (notice of appeal), on the date on which that appeal is determined.”;
- (d) in paragraph (7) after the definition of “the 1971 Act” there shall be inserted the following definitions—
  - ““the Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;
  - “the Convention relating to the Status of Refugees” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article I(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;”.