
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 356

**The Jobseeker's Allowance (Amendment)
Regulations (Northern Ireland) 1996**

Part III

Miscellaneous

Persons from abroad

- 8.—(1) In regulation 85(4) of the Jobseeker's Allowance Regulations (special cases)—
- (a) in the first definition of “person from abroad” after paragraph (*h*) there shall be added the following paragraphs—
 - “(i) 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 from and including the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later, or
 - (j) while he is a person to whom any of the definitions in paragraphs (*a*) to (*i*) of this definition 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 done at Geneva on 28th July 1951 and the Protocol to that Convention, and for the purposes of this definition “the immigration authorities” means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the 1971 Act and in addition means the Secretary of State.”, and
 - (b) in the second definition of “person from abroad” for “the Republic of Ireland, the Channel Islands or the Isle of Man” there shall be substituted “the Channel Islands, the Isle of Man or the Republic of Ireland”.
- (2) In regulation 147 of the Jobseeker's Allowance Regulations (urgent cases) for paragraphs (3) to (5) there shall be substituted the following paragraphs—
- “(3) This paragraph applies to a person from abroad within the meaning of regulation 85(4) (special cases) who—
 - (a) is an asylum seeker, and
 - (b) holds a work permit or has written authorisation from the Secretary of State permitting him to work in the United Kingdom.
 - (4) For the purposes of this regulation, a person—
 - (a) 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 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, or

- (b) becomes, while present in Northern Ireland, 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 and including the day that declaration was made, a claim for asylum to the Secretary of State under the Convention, and
 - (iii) his claim for asylum under the Convention is recorded by the Secretary of State as having been made, and
- (c) ceases to be an asylum seeker—
 - (i) 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
 - (ii) 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⁽¹⁾ (notice of appeal), on the date on which that appeal is determined.

(5) In this regulation—

“the Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;

“the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

“work permit” has the meaning that it bears in the 1971 Act by virtue of section 33(1) of that Act.”.