



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI

#### SUPPORT FOR ASYLUM-SEEKERS

##### *Exclusions*

#### **123 Back-dating of benefits where person recorded as refugee**

- (1) This section applies if—
  - (a) a person is recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention; and
  - (b) before the refugee was so recorded, he or his dependant was a person to whom section 115 applied.
- (2) Regulations may provide that a person mentioned in subsection (1)(b) may, within a prescribed period, claim the whole, or any prescribed proportion, of any benefit to which he would have been entitled had the refugee been so recorded when he made his claim for asylum.
- (3) Subsections (5) and (6) apply if the refugee has resided in the areas of two or more local authorities and he or his dependant makes a claim under the regulations in relation to housing benefit.
- (4) Subsections (5) and (6) also apply if the refugee has resided in the areas of two or more local authorities in Great Britain and he or his dependant makes a claim under the regulations in relation to council tax benefit.
- (5) The claim must be investigated and determined, and any benefit awarded must be paid or allowed, by such one of those authorities as may be prescribed by the regulations (“the prescribed authority”).
- (6) The regulations may make provision requiring a local authority who are not the prescribed authority to supply that authority with such information as they may

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*Status: This is the original version (as it was originally enacted).*

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reasonably require in connection with the exercise of their functions under the regulations.

- (7) The regulations may make provision in relation to a person who has received support under this Part or who is a dependant of such a person—
- (a) for the determination, or for criteria for the calculation, of the value of that support; and
  - (b) for the sum which he would be entitled to claim under the regulations to be reduced by the whole, or any prescribed proportion, of that valuation.
- (8) The reductions permitted by subsection (7) must not exceed the amount of the valuation.
- (9) “Regulations” means—
- (a) in relation to jobseeker’s allowance under the Jobseekers Act 1995, regulations made by the Secretary of State under that Act or the Social Security Administration Act 1992;
  - (b) in relation to jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995, regulations made by the Department under that Order or the Social Security Administration (Northern Ireland) Act 1992;
  - (c) in relation to a benefit under the Social Security Contributions and Benefits Act 1992, regulations made by the Secretary of State under that Act or the Social Security Administration Act 1992;
  - (d) in relation to a benefit under the Social Security Contributions and Benefits (Northern Ireland) Act 1992, regulations made by the Department under that Act or the Social Security Administration (Northern Ireland) Act 1992.