
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 11

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

Amendment of the Income Support (General) Regulations

4.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(1) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 21(3) (special cases) in the first definition of “person from abroad” after paragraph (h)(2) 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 with 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(3).”.

(3) In regulation 70 (urgent cases)—

(a) in paragraph (3)—

(i) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

“(c) is a person to whom paragraph (i) of that definition (sponsored immigrant) applies and the person who gave the undertaking to provide for his maintenance and accommodation has died;”;

(ii) sub-paragraphs (e) to (j) shall be omitted;

(b) in paragraph (3A)—

(i) for sub-paragraph (a) there shall be substituted the following sub-paragraphs—

“(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

(aa) 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

(1) S.R. 1987 No. 459; relevant amending regulations are S.R. 1993 Nos. 120 and 311

(2) Paragraph (h) is inserted by S.R. 1993 No. 120

(3) The Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention

- 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, and
 - (iii) his claim for asylum under that Convention is recorded by the Secretary of State as having been made; and”;
- (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
- “(b) 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(4) (notice of appeal), on the date on which that appeal is determined.”;
 - (c) in paragraph (3B) at the end there shall be added “; and “the Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively”.
- (4) In regulation 71(2) (applicable amounts in urgent cases) sub-paragraphs (b) to (f) shall be omitted.