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## STATUTORY INSTRUMENTS

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### 1996 No. 30

## The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996

### Amendment of the Income Support Regulations

8.—(1) The Income Support Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 21(3)<sup>M1</sup> in the definition of “person from abroad”, after sub-paragraph (h) there shall be added—

“; or

- (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 or persons in writing in pursuance of immigration rules within the meaning of the Immigration Act 1971<sup>M2</sup>, , 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 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 sub-paragraphs (a) to (i) applies in his case, submits a claim to the Secretary of State, which is not finally determined, for asylum under the Convention; ”<sup>M3</sup>

(3) In regulation 70 (urgent cases)—

(a) for sub-paragraph (c) of paragraph (3) there shall be substituted—

“(c) is a person to whom sub-paragraph (i) of that definition (sponsored immigrant) applies and the person or persons who gave the undertaking to provide for his maintenance and accommodation has, as the case may be have, died;”

(b) sub-paragraphs (e) to (j) of paragraph (3)<sup>M4</sup> shall be omitted;

(c) for sub-paragraph (a) of paragraph (3A)<sup>M5</sup> there shall be substituted—

“(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 Great Britain, an asylum seeker when—

- (i) the Secretary of State makes a declaration to the effect that the country of which he 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, and
- (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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**Changes to legislation:** *The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996, Section 8 is up to date with all changes known to be in force on or before 07 August 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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- (iii) his claim for asylum under that Convention is recorded by the Secretary of State as having been made; and;”
- (d) for sub-paragraph (b) of paragraph (3A) there shall be substituted—
- “(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 <sup>M6</sup>, on the date on which that appeal is determined.; and”
- (e) 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 (applicable amounts in urgent cases), sub-paragraphs (b) to (f) of paragraph (2) shall be omitted.

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#### Marginal Citations

- M1** Paragraph 3 was amended by [S.I. 1990/547](#), 1991/236, 1992/3147, 1993/315, 1994/1807 and 2139 and 1995/516.
- M2** [1971 c.77](#) as amended by the [British Nationality Act 1981 \(c.61\)](#).
- M3** The Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention.
- M4** Sub-paragraph (d) of paragraph (3) was omitted by [S.I. 1993/1679](#).
- M5** Paragraph (3A) was inserted by [S.I. 1993/1679](#).
- M6** [S.I. 1993/1661](#).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- [reg.8\(2\)reg.8\(3\)\(c\)\(d\) am. \(prosp.\) by 1996 c. 49 s.11\(4\)Sch.1 Pt.I para.2](#)
- [reg.8\(2\)reg.8\(3\)\(c\)\(d\) am. \(prosp.\) by 1996 c. 49 s.11\(4\)Sch.1 Pt.I para.2](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg.3\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.4](#)
- [reg.3\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.4](#)
- [reg.7\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.3](#)
- [reg.7\(a\)-\(c\) am. \(prosp.\) by 1996 c. 49 s. 11\(4\)Sch.1 Pt.I para.3](#)