
STATUTORY INSTRUMENTS

2000 No. 636

**The Social Security (Immigration and Asylum)
Consequential Amendments Regulations 2000**

Amendment of the Jobseeker's Allowance Regulations

4.—(1) The Jobseeker's Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(3) (interpretation) after the definition of "housing benefit expenditure" there shall be inserted the following definition—

““Immigration and Asylum Act” means the Immigration and Asylum Act 1999(1);”.

(3) In regulation 85(4) (special cases)—

- (a) the first definition of “person from abroad” shall be omitted;
- (b) in the second definition of “person from abroad” the word “also” shall be omitted; and
- (c) at the beginning of paragraph (4), after the opening words, there shall be inserted the following definition—

““partner of a person subject to immigration control” means a person—

- (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or
- (ii) to whom section 115 of that Act does not apply by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000; and
- (iii) who is a member of a couple and his partner is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act applies to her for the purposes of exclusion from entitlement to jobseeker's allowance;”

(4) In regulation 103(6) (calculation of income other than earnings)(2) for the words following “paragraph (1)” there shall be substituted the following sub-paragraphs—

- “(a) any payment to which regulation 98(2)(a) to (e) or 100(2) (payments not earnings) applies; or
- (b) in the case of a claimant who is receiving support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.”.

(5) In regulation 147 (urgent cases)—

- (a) in paragraph (2) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

(1) 1999 c. 33.

(2) Regulation 103(6) is amended by regulation 23 of S.I.1996/1517.

- “(a) a claimant to whom paragraph (2A) applies (persons not excluded from income-based jobseeker’s allowance under section 115 of the Immigration and Asylum Act);”;
- (b) after paragraph (2) there shall be inserted the following paragraph–
 - “(2A) This paragraph applies to a person not excluded from entitlement to income-based jobseeker’s allowance under section 115 of the Immigration and Asylum Act by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 except for a person to whom paragraphs 3 and 4 of Part I to the Schedule to those Regulations applies.”; and
- (c) paragraph (3), (4) and (5) shall be omitted.
- (6) In regulation 148(1)(d) (applicable amount in urgent cases) for the words “ paragraph 14” there shall be substituted the words “paragraph 13A”.
- (7) After paragraph 13 of Schedule 5 (applicable amounts in special cases)–
 - (a) in column (1) there shall be inserted the following paragraph–

“Partner of a person subject to immigration control

- (a) A claimant who is the partner of a person subject to immigration control.
- (b) Where regulation 84 (polygamous marriages) applies and the claimant is a person–
 - (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or
 - (ii) to whom section 115 of that Act does not apply by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000; and
 - (iii) who is a member of a couple and one or more of his partners is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act applies to her for the purposes of exclusion from entitlement to income-based jobseeker’s allowance.”;
- (b) in column (2) there shall be inserted the following paragraph–
 - (a) The amount applicable in respect of the claimant only under regulation 83(a) plus that in respect of any child or young person who is a member of his family and who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to jobseeker’s allowance, any amounts which may be applicable to him under regulation 83(b), (d) or (e) plus the amount applicable to him under regulation 87(2) or (3) or, as the case may be, regulation 85 or 86.
 - (b) The amount determined in accordance with that regulation or regulation 85 or 86 in respect of the claimant and any partners of his and any child or young person for whom he or his partner is treated as responsible, who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to jobseeker’s allowance.”.
- (8) In paragraph 14 of Schedule 5, for the words in column (1) there shall be substituted the words “person from abroad” and for the words in column (2) there shall be substituted the word “nil”.
- (9) In paragraph 22 of Schedule 7 (treatment of income in kind)–

- (a) in sub-paragraph (1) for the words “Subject to sub-paragraph (2)” there shall be substituted the words “Subject to sub-paragraphs (2) and (3)”;
- (b) in sub-paragraph (1) after the words “except where” there shall be added the following words–
 - “regulation 103(6)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act in the calculation of income other than earnings) or”; and
- (c) after sub-paragraph (2) there shall be added the following sub-paragraph–
 - “(3) The first exception under sub-paragraph (1) shall not apply where the claimant is the partner of a person subject to immigration control and whose partner is receiving support provided under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act and the income in kind is support provided in respect of essential living needs of the partner of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.”.