

SCHEDULE

Regulation 2

PERSONS NOT EXCLUDED FROM CERTAIN BENEFITS UNDER SECTION 115 OF THE IMMIGRATION AND ASYLUM ACT 1999

PART I

Persons not excluded under section 115 of the Immigration and Asylum Act from entitlement to [^{F1}universal credit,] income-based jobseeker's allowance, income support, [^{F2}Income-Related Employment and Support Allowance,] a social fund payment, housing benefit or council tax benefit

- F1** Words in Sch. Pt. I inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013](#) (S.I. 2013/630), regs. 1(2), **31(4)**
- F2** Words in Sch. Pt. I inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008](#) (S.I. 2008/1554), regs. 1(2)(b), **69(5)**

^{F3}**1.**

- F3** Words in [Sch. Pt. I](#) omitted (29.10.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013](#) (S.I. 2013/2536), regs. 1(1), **9(3)**

2. A person who has been given leave to enter or remain in, the United Kingdom by the Secretary of State upon an undertaking by another person or persons pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation and who has not been resident in the United Kingdom for a period of at least five years beginning on the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later and the person or persons who gave the undertaking to provide for his maintenance and accommodation has, or as the case may be, have died

3. A person who—

- (a) has been given leave to enter or remain in, the United Kingdom by the Secretary of State upon an undertaking by another person or persons pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation; and
- (b) has been resident in the United Kingdom for a period of at least five years beginning on the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later.

4. A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953 ^{M1}) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom.

Marginal Citations

M1 Cmd. 9512.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART II

Persons not excluded under section 115 of the Immigration and Asylum Act from entitlement to attendance allowance, severe disablement allowance, [^{F4}carer's allowance], disability living allowance [^{F5}personal independence payment,] a social fund payment^{F6}, Health in Pregnancy Grant] or child benefit

- F4** Words in Sch. Pt. II substituted (1.4.2003) by [Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, 2
- F5** Words in Sch. Pt. II inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 23(4)**
- F6** Words in Sch. Pt. II inserted (1.1.2009) by [Health in Pregnancy Grant \(Entitlement and Amount\) Regulations 2008 \(S.I. 2008/3108\)](#), regs. 1(1), **8(3)**

Modifications etc. (not altering text)

- C1** [Sch. Pt. II](#) applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(q)

^{F7}1.

- F7** [Sch. Pt. II para. 1](#) omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **57(2)**

[^{F8}2. A person who is lawfully working in Great Britain and is a national of a State with which—

^{F9}(a)

- (b) the United Kingdom has concluded an agreement which replaces in whole or in part [^{F10}an agreement under Article 217 of the Treaty on the Functioning of the European Union] which has ceased to apply to, and in, the United Kingdom, providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families.]

- F8** [Sch. Pt. II para. 2](#) substituted (31.12.2020) by [The Social Security, Child Benefit and Child Tax Credit \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1431\)](#), regs. 1, **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** [Sch. Pt. II para. 2\(a\)](#) omitted (with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Social Security, Child Benefit and Child Tax Credit \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1505\)](#), regs. 1(1), **2(3)(a)**
- F10** Words in [Sch. Pt. II para. 2\(b\)](#) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security, Child Benefit and Child Tax Credit \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1505\)](#), regs. 1(1), **2(3)(b)**

3. A person who is a member of a family of, and living with, a person specified in paragraph 2.

4. A person who has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon an undertaking by another person or persons pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)