
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 67 of the Immigration Act 2016 (c. 19) creates a new category of leave (“section 67 leave”) under which individuals may be relocated to the United Kingdom and permitted to remain in the United Kingdom. The Immigration Rules made under section 3(2) of the Immigration Act 1971 (c. 77) have been changed to provide for this section 67 leave. The new rules were presented to the House of Commons on 15th June 2018. These Regulations will give individuals who have been granted section 67 leave under that section access to Child Benefit, tax credits and the childcare payment scheme as is the case with individuals with Refugee status, providing that they meet the eligibility criteria in relation to these schemes or benefits.

Regulation 2 amends regulations 23 and 27 of the Child Benefit (General) Regulations 2006 (S.I. 2006/223), to exempt individuals who have been granted section 67 leave from having to meet the three month residence requirement in those Regulations.

Regulation 3 amends regulation 6 of the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003 (S.I. 2003/492), to provide that where an individual claiming asylum is notified that he has been granted section 67 leave his claim for a benefit administered by HMRC is treated as having been made on the date that the claim for asylum was made. His claim for the benefit must be made within three months of being granted section 67 leave.

Regulation 4 amends regulation 3 of the Tax Credits (Residence) Regulations 2003 (S.I. 2003/654) to exempt individuals who have been granted section 67 leave from having to meet the three month residence requirement in those Regulations.

Regulation 5 amends regulation 3 of the Tax Credits (Immigration) Regulations 2003 (S.I. 2003/653) to give individuals who have been granted section 67 leave, access to benefits administered by HMRC.

Regulation 6 amends regulation 8 of the Childcare Payments (Eligibility) Regulations 2015 (S.I. 2015/448) to provide that individuals who have been granted section 67 leave are treated in the same way as refugees for the purposes of the childcare payments scheme.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.